

Evidence before Joint Committee on Indian Constitutional Reform

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Witnesses examined by Dr. Ambedkar—

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PART II

(1)

Sir Patrick James Fagan, K.C.I.E., C.S.L, F.R.A.S., Mr. E. B. Loveluck, Mr. Wilfred Harold Shoobert, Mr. Eustace Arthur Cecil King, Mr. Henry Robert Harrop, Mr. Frederick Wynne Robertson, Sir Evana Cottan, Mr. Harold Lancelot Newman and Mr. Sale, on behalf of European Government Servants, Indian Police Association and Civil Engineers* Association.

382. *Dr. B. R. Ambedkar:* You stated a little while ago that there is a great deal of hostility shown to the Indian Public Service by the Indian Press and by the politicians in India ?

Sir P. J. Fagan: Yes.

383. *Dr. B. R. Ambedkar:* I would like to read to you a small extract from the Minute written by Sir Reginald Craddock, which is appended to the Lee Commission Report, on page 132, paragraph 10, a few lines from the bottom. This is the paragraph to which I want to draw your attention : "

Several of those who have given evidence before us believe that the hostility from time to time shown by the new legislatures is entirely occasioned by the fact that the members of the All-India Services are imposed on them from outside, and that fresh recruitment for those Services will indefinitely prolong these vested interests; but that, once control passes from the Secretary of State to the Government of India or to the Local Government in the transferred field as the case may be, all bias and animus will disappear." I want to know whether you agree with that statement ?

Sir P. J. Fagan : No ; I do not think we have sufficient grounds for agreeing with that statement. Of course, if it should turn out so, it would be good, but I am afraid the Associations have not sufficient grounds for agreeing with the statement that there would be a sudden change of attitude.

384. *Dr. B. R. Ambedkar*: Do not you think the very fact that you want to remain outside the control of the Indian Legislature, and the new Government will itself be provocative enough to arouse public opinion against you ?

Mr. W. H. Shoobert: Sir, we do not want to remain outside the control. We only want our existing accruing rights, our pensions and our family pensions secured. We do not wish to be outside the control in the very least

385. *Dr. B. R. Ambedkar*: Supposing, for instance, all the rights that may be agreed upon in this Conference as being legitimate rights of the Indian Civil Servants were guaranteed to you by Indian Legislatures by Acts passed by the Local and Central Legislatures. Would that give you sufficient protection ?

Sir P. J. Fagan: We are afraid of the financial situation.

386. *Dr. B. R. Ambedkar*: That is another matter : whether the Indian Legislature will be able to find the moneys on account of your services and other matters is another matter?

Sir P. J. Fagan: Quite.

387. *Dr. B. R. Ambedkar* : But with regard to your conditions of service, what I want to press is, suppose they were regulated by the Acts of Indian Legislatures (by rules made by the Secretary of State in Council). Do you think that would give you adequate protection or not ?

Sir P. J. Fagan: No.

Mr. W. H. Shoobert: Such Acts could be repealed by future extremist Governments.

388. *Dr. B. R. Ambedkar*: Supposing some provision were made for

that, that there would be no sudden repeal of an Act ?

Sir P. J. Fagan: I think I may say that the Associations would certainly not regard that as sufficient protection.

389. *Dr. B. R. Ambedkar:* I want to make this point which you have made so much of, that there is so much hostility against you in India both on the part of the Press and the politician. Is not it the fact that you are asking for safeguards the result of which is to keep you entirely out of the purview of legitimate public opinion expressed in the Press as well as in the Legislature ?

Sir P. J. Fagan: No, I do not think it keeps us outside the purview. I should say certainly not. I certainly do not think that it would keep them out of the purview of healthy public opinion.

390. *Dr. B. R. Ambedkar:* I want to put this question to you again : Do not you think that if you were under the control of laws made by the Indian Legislature with the consent of the Indian Ministers you would get far better protection from the Indian Ministers themselves when you are attacked in the Press or by the public than you are likely to get if you remain outside ?

Sir P. J. Fagan : No ; I do not think the Associations would take that view.

391. *Dr. B. R. Ambedkar:* You just now read some extracts from the Simon Commission Report in support of the statement you made just now. Is it not a fact that Sir John Simon was driven almost against his will to recommend the transfer of law and order simply because he came to the conclusion that to keep that as a reserved subject would expose the services operating in that Department to extreme criticism ?

Sir P. J. Fagan: That is again, I think, a subject that we would rather avoid. It is a very debatable subject and I believe there are very diverse opinions on the subject. I am not responsible for what Sir John Simon may have thought.

Dr. B. R. Ambedkar: Do you agree that that was the reason for its prevailing with the Simon Commission Report?

Sir Austen Chamberlain: The witness has already asked to be excused from answering that question.

Dr. B. R. Ambedkar: I do not wish to press it if he does not wish to answer.

Sir Austen Chamberlain: Surely it is not a proper question to press the representatives of the Civil Service on. who come to speak to their own special position and claims, and not to take part in a discussion about general reform in India.

Dr. B. R. Ambedkar: The reason Sir John Simon cites for the transfer of law and order was that reserving that Department outside the control of the Legislature and the Minister would expose the Department to far greater criticism from the Press and the public.

Viscount Burnham: As a member of the Statutory Commission, what Dr. Ambedkar has said is a most misleading account.

Dr. B. R. Ambedkar: Possibly I may have misread it.

(2)

Mr. Sachchidananda Sinha, Barrister-at-Law, M.I.C.

1985. *Dr. B. R. Ambedkar:* I want to ask you, first of all, a question about the special powers of the Governor, especially his power to take action in order to prevent a menace to peace and tranquillity. I want to draw your attention, if I may, to the position as it exists today with regard to the administration of the transferred subjects. Have you got the Government of India Act before you ?

Mr. Sachchidananda Sinha: Yes.

1986. *Dr. B. R. Ambedkar:* Will you just refer to Section 52 of the Government of India Act?

Mr. Sachchidananda Sinha: Yes.

1987. *Dr. B. R. Ambedkar:* I do not want to take you to Section 45 of the Government of India Act which provides for the classification of subjects transferred and reserved ; that we know. I am dealing only with the question of control. If you take Section 52, sub-section (1) says: "The Governor of a Governor's Province may, by notification, appoint Ministers, not being members of his Executive Council ", and so on ?

Mr. Sachchidananda Sinha: Yes.

1988. *Dr. B. R. Ambedkar:* Then we come to sub-section (3)—this is what it says: " In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken other-wise than in accordance with that advice " ?

Mr. Sachchidananda Sinha: Yes.

1989. *Dr. B. R. Ambedkar:* What I call your attention to is that this section does not say that wherever the Governor thinks there is a menace to peace and tranquillity, he shall overrule his Ministers ?

Mr. Sachchidananda Sinha: No.

1990. *Dr. B. R. Ambedkar:* Specific provision is not made in this section as it is now made in the White Paper ?

Mr. Sachchidananda Sinha: No, that is so.

1991. *Dr. B. R. Ambedkar :* If you refer to the Instrument of Instructions,

which is issued to the Governor, in which he is told in what cases he should not Act upon the advice of the Ministers ?

Mr. Sachchidananda Sinha: I have not got a copy here.

1992. *Dr. B. R. Ambedkar :* You will find it in that book at page 269 ?

Mr. Sachchidananda Sinha: Yes, I have it.

1993. *Dr. B. R. Ambedkar:* On page 270, clause VI of the Instrument of Instructions says : "In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of *the* Presidency as expressed by their representatives therein." In other words, the Governor, under the present circumstances, can over-rule the Minister and not accept his advice in the matter of transferred Departments, only if he came to the conclusion that the Minister had not the support of the Legislature or of the constituencies ?

Mr. Sachchidananda Sinha: That is so, I suppose.

1994. *Dr. B. R. Ambedkar :* What I want to say is this, if I may, for the sake of clarity: Under the existing system of administering transferred Departments, the Governor has not got his special veto which is now given under clause (a) of the powers given to the Governor, namely, to maintain peace and tranquillity ?

Mr. Sachchidananda Sinha: That is so.

1995. *Dr. B. R. Ambedkar:* Today, having regard to the fact that the Department of Law and Order is a reserved subject, he, of course, can take any action that he likes within the scope of that Department ?

Mr. Sachchidananda Sinha: Yes.

1996. *Dr. B. R. Ambedkar:* But he cannot come to the Minister and say: " I will not accept your advice, although you are dealing with a transferred Department, because the action that you propose to take will be a menace to peace and tranquillity " ?

Mr. Sachchidananda Sinha: No.

1997. *Dr. B. R. Ambedkar:* So, consequently, this is a retrograde provision ?

Mr. Sachchidananda Sinha: Undoubtedly.

1998. *Dr. B. R. Ambedkar:* Today the Minister can take any action he likes in his Department. Under the new scheme of the White Paper (assuming the White Paper goes through) every Department would be a transferred Department. The veto of the Governor arising out of his special power to maintain peace and tranquillity instead of being confined to one particular Department of Law and Order will spread itself over to

every Department ?

Mr. Sachchidananda Sinha: Yes.

1999. *Dr. B. R. Ambedkar:* It would be, to that extent, a diminution of responsibility in every Department, although every Department would be a transferred Department ?

Mr. Sachchidananda Sinha: That is so.

Dr. B. R. Ambedkar: Now let me come to the question of the Services. You will see the Appendix 7 which enumerates them—

Viscount Burnham: On a point of order, my Lord Chairman, we have had this explanation of what are the present powers of the Governors of Provinces, but we are not told where it is laid down.

Dr. B. R. Ambedkar: I drew attention to Section 52(7) of the Government of India Act.

Viscount Burnham: On whose authority is this explanation given ?

Dr. B. R. Ambedkar: I do not know.

Viscount Burnham: Who authorises the explanation which you have given ?

2000. *Dr. B. R. Ambedkar:* That is my own interpretation of the Act and the Witness agrees with it. I refer to Section 52, and the Instrument of Instructions, which is part of the Act. Now coming to the question of the Services, Appendix 7, you will see there in that Appendix—1 do not want to refer specifically to each point, that provision is made that the Secretary of State in Council shall retain all powers regarding classification and the regulation of the conditions of service ?

Mr. Sachchidananda Sinha: Yes.

2001. *Dr. B. R. Ambedkar:* May I refer you now to Section 96B, sub-section (2)? This is how it reads : "The Secretary of State in Council may make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct." And further "such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments, or authorise the Indian Legislature or local Legislatures to make laws regulating the Public Services."

Mr. Sachchidananda Sinha: Yes.

2002. *Dr. B. R. Ambedkar:* So, under the Government of India Act as enacted, the intention was to transfer this power of making rules with regard to the emoluments and the conditions of service, to the Governor-General or to the Indian Legislatures ?

Mr. Sachchidananda Sinha: Or the Local Governments.

2003. *Dr. B. R. Ambedkar*: And the intention was that the conditions of service should be such as to be assimilated to the new system of government that was to be introduced in India ?

Mr. Sachchidananda Sinha: That seems to be the implication.

2004. *Dr. B. R. Ambedkar*: If, for instance, these provisions as they are laid down in Appendix 7 were enacted, the whole tendency which emanated from the Government of India Act of developing control over the Indian authorities would be arrested ?

Mr. Sachchidananda Sinha: That is why I say in my Memorandum that the proposals relating to the Public Services do not give satisfaction to India.

2005. *Dr. B. R. Ambedkar* : It is quite necessary, and it is in fact provided in the Government of India Act itself, that these powers are being exercised by the Secretary of State in Council, and may be delegated, under proper conditions, to the Indian Legislature ?

Mr. Sachchidananda Sinha: Yes.

2006. *Dr. B. R. Ambedkar* : If the White Paper proposals were enacted, this process of devolution would be arrested ?

Mr. Sachchidananda Sinha: Clearly.

2007. *Dr. B. R. Ambedkar*: Take, again, certain specific items in the Services' rights. Take, for instance, 14 on page 121, "Personal concurrence of the Governor, formal censure," and soon; 15: "Personal concurrence of the Governor with regard to posting; 16 : Right of complaint to the Governor against any order of an official superior," and so on. Now these rights, as conditions of service, are really not final; they are in their evolutionary stage. These were enacted because nobody was certain how the Minister would react ?

Mr. Sachchidananda Sinha: What is your question. Dr. Ambedkar ?

2008. *Dr. B. R. Ambedkar* : My question is this : Some of these Service conditions which are laid down, and to which I have drawn your attention, were enacted as an experimental thing in order to find out what exactly would be the ultimate result of the experiment between a popular Minister and the Civil Service?

Mr. Sachchidananda Sinha : Yes.

2009. *Dr. B. R. Ambedkar*: They were not intended to be final ?

Mr. Sachchidananda Sinha: No, I suppose not.

2010. *Dr. B. R. Ambedkar* : And if they were enacted as they are, I again say that the process of assimilating the conditions of the Civil Service to the responsible system of Government would be arrested ?

Mr. Sachchidananda Sinha: Yes.

2011. *Dr. B. R. Ambedkar*: I just want to ask you one question about this Central responsibility. You said in reply to a question by Sir Henry Gidney, that you were very keen on a date being fixed for the inauguration of the Federation ? *Mr. Sachchidananda Sinha*: Yes.

2012. *Dr. B. R. Ambedkar*: On the other hand, as you are aware, it is urged that it is impossible to fix any specific date, because there are so many elements of uncertainty, namely, that the Princes may not come in, within the time prescribed, and you know also that in order to avoid that there are certain transitory provisions enacted in the White Paper. Now what I want to suggest is this, because I am anxious to get your opinion upon this point: Suppose the Federation were started immediately with a nominated bloc in the Central Legislature, partly of officials and partly of non-officials, pending the admission or the entry of the requisite number of Princes, so that the Federation may not keep on hanging until the requisite number of Princes come, would you have objection to that sort of system ?

Mr. Sachchidananda Sinha: I can express no opinion offhand. but the matter may be considered and examined. It is worth examining.

2013. *Dr. B. R. Ambedkar*: I want to get this point clear. I suppose you do not agree with the position that Federation of British India with the Indian Princes is a condition precedent to responsibility at the Centre ?

Mr. Sachchidananda Sinha: I do not desire to express any opinion, because I understand the proposals outlined in the White Paper were agreed to at the Round Table Conference.

2014. *Dr. B. R. Ambedkar*: What I am putting is this : Speaking apart from the White Paper, you do not say, or you do not agree, that British India can have Central responsibility only on one condition, that there shall be Federation ?

Mr. Sachchidananda Sinha: No, not apart from the White Paper.

Mr. Butler: Before we proceed further, my Lord Chairman, may I say that we cannot accept the interpretations given in these questions and answers of the present Government of India Act, in particular the limitations which have been assumed under the Instructions of the present Government, Clause VI and Section 52 of the present Government of India Act?

(3)

Mir Maqbool Mahmood, Dr. P. K. Sen, Mr. K. M. Panikkar and Mr. B. Kak, on behalf of Chamber of Princes

3000. *Dr. B. R. Ambedkar* : Arising out of these questions, I want to put the thing as I see it. You know in the White Paper there is one condition

laid down for the inauguration of the Federation : that is the joining of a certain number of Indian States. Then for the transfer of finance an important condition is laid down, and that is the introduction of the Bank. What I want to ask you is this : Would the Princes be prepared to join the Federation if finance was not a transferred subject ?

Mir Maqbool Mahmood : I have no definite instructions on that question, but I do not think that, considering the trend of their discussions, they would be prepared to.

3001. *Dr. B. R. Ambedkar*: They would not be prepared to join the Federation if finance was not a transferred subject ?

Mir Maqbool Mahmood: I do not think so.

3002. *Dr. B. R. Ambedkar*: Coming to other matters, in the course of the evidence that you gave last time, Mir Maqbool, you stated that in case all the Princes did not join the Federation at once you would like to have a system introduced whereby those Princes who would join the Federation should be allowed to have the benefit vicariously of the votes of those who did not Join. I have put it correctly ?

Mir Maqbool Mahmood: That represents only one aspect of the position.

3003. *Dr. B. R. Ambedkar*: That is the position you take?

Mir Maqbool Mahmood: That is half the truth, not the full truth. We contemplate two aspects of the position.

3004. *Dr. B. R. Ambedkar* : I know your Confederation ?

Mir Maqbool Mahmood: Not that: One is, that States which are entering will do so on the assumption that the States' position in the Federation would be 40 per cent. in the Upper House and one-third in the Lower House; that is with regard to the States which entered, individually ; the other is in regard to those States which are outside, that they are also affected by the decisions of Federation. Those are the two aspects, and I understood your question referred to the second.

3005. *Dr. B. R. Ambedkar* : I just want you to concentrate your attention, if you please, on this point : I thought I understood from you, last time, that you wanted to lay down as one of the conditions, that if all the States did not enter the Federation at once in the beginning, and that if only some entered and other kept out, you would like a system of weightage, so to say, in which those Princes who entered the Federation would claim, or cast votes vicariously, those which were the share of those which did not enter. That is the position ?

Mir Maqbool Mahmood : Yes.

3006. *Dr. B. R. Ambedkar* : Now what I want to ask you with regard to that, is this : What would be the position of those States which would not

enter the Federation at the start, but whose votes were used by those who did enter *vis-a-vis* the Federation, with respect to taxation and with respect to Federal Legislation ? Would Federal Legislation be operative in those States which did not enter, but whose votes were used ?

Mir Maqbool Mahmood: It would, substantially, be the same as it is now.

3007. *Dr. B. R. Ambedkar:* No; my point is this : Would the Federal law be operative in those States which did not enter the Federation, but whose voting strength was used by States which did enter the Federation ?

Mir Maqbool Mahmood: In certain matters of taxation, it would apply in spite of it. In other matters it would apply by negotiation.

3008. *Dr. B. R. Ambedkar:* Would they be regarded as member States of the Federation ?

Mir Maqbool Mahmood: No.

3009. *Dr. B. R. Ambedkar:* They would not be ?

Mir Maqbool Mahmood: No.

3010. *Dr. B. R. Ambedkar:* And yet their votes would be used ?

Mir Maqbool Mahmood : Yes. In the same way as under Article 147 of the Canadian Constitution, Nova Scotia and New Brunswick exercised the votes of Edward Island in the Senate that the latter formed the Federation.

3011. *Dr. B. R. Ambedkar:* Now I want to ask some questions about nationality. I do not know which of you gentlemen would address yourself to that matter. I think it is common ground that the subjects of the Indian States are aliens, so far as British India is legally concerned ?

Mr. K. M. Panikhar : They are British protected people, but, in law, they are aliens.

3012. *Sir Hari Singh Gour :* They are not British subjects ?

Mir Maqbool Mahmood: They are not British subjects.

3013. *Dr. B. R. Ambedkar:* They come within what is known as the Foreigners' Act in British India ?

Mir Maqbool Mahmood: I do not think so.

3014. *Dr. B. R. Ambedkar:* You can take it from me, that they do. Anyhow, it is common ground, that they are not British subjects, and you do not propose, I suppose, to regularise the position which would be most compatible and consistent with All-India Federation, to have one common Indian nationality ?

Mir Maqbool Mahmood: That is not contemplated.

3015. *Dr. B. R. Ambedkar :* So I take it that the result of this will be that if the situation which obtains now continues, aliens (I mean subjects of

the Indian States) would be entitled to the franchise, would be entitled to stand as members of the Federal and the Provincial Legislatures, and would be entitled to hold office of trust under the Crown, without being subjects of the Crown ?

Mir Maqbool Mahmood: That is possible, even now.

3016. *Dr. B. R. Ambedkar :* I know it is possible.

Mir Maqbool Mahmood: It has happened, even now.

3017. *Dr. B. R. Ambedkar:* But what I want to ask is this : Do you not regard that as an anomalous thing ?

Mir Maqbool Mahmood: We do not think so.

3018. *Dr. B. R. Ambedkar:* Can you cite to me any Constitution in which an alien is entitled to the franchise, is entitled to stand as a member of the Legislature, and is further entitled to hold office of trust ?

Mir Maqbool Mahmood: Even here our distinguished Delegate, Sir P. Pattani, was a member of the Executive Council.

3019. *Dr. B. R. Ambedkar :* I know that, but what I am trying to impress upon you is that that is an anomalous thing, something which is not found in any other Federation ?

Mir Maqbool Mahmood: I cannot cite an instance at the moment.

3020. *Dr. B. R. Ambedkar :* You think it is a very wide system in which a subject of an Indian State may hold an office of trust under the Crown, and yet may be subject to what is known as the Foreigners' Act ?

Mir Maqbool Mahmood: So long as he takes the Oath of Allegiance to the Constitution.

3021. *Dr. B. R. Ambedkar:* Do you think that would take him out of the purview of the Foreigners' Act ?

Mir Maqbool Mahmood: If it is necessary for you to reconsider that Act, you might do so.

3022. *Dr. B. R. Ambedkar:* That is the point I am putting. Would it, therefore, not be desirable to have a common Indian nationality ?

Mir Maqbool Mahmood: I am afraid we have not considered the legal implications of this position.

3023. *Mr. Jayakar:* Has this question of a common nationality been considered by the Princes at all ?

Mir Maqbool Mahmood: Yes.

3024. *Dr. B. R. Ambedkar :* And they do not approve of it ?

Dr. P. K. Sen: The Princes have not denied the allegiance of their subjects to the British Crown, subject to their allegiance to the Rulers of the States themselves. That is, a supplementary allegiance has always been considered in that sense, and therefore they have always been

allowed, in Provinces of India the same privileges as British Indians.

3025. *Dr. B. R. Ambedkar*: I am talking about the legal position as it would be ?

Mir Maqbool Mahmood: I do not think, if I may say so with respect, that analogy would help us very much in a case of this kind, because the position as regards the States in India and their relationship with the Crown is undoubtedly unique, and you cannot, therefore, draw much help by analogies of that description ; but as a matter of fact, the question of nationality is pre-eminently important, and I dare say some proper solution could be arrived at after consideration, but it is hardly possible to give a definite answer with regard to the legal position and all the implications arising therefrom, in evidence. I said that in a matter like this it is very difficult to derive any help from analogy. What is, or is not, present in other parts of the world will not very much help us, because the position of the States in regard to the British Crown is very unique and, therefore, we have it here (it may be anomalous) that whereas the State subject owes allegiance to his own Ruler, he also owes allegiance to the Crown, and in order to adjust the legal position and all the implications arising therefrom, the matter has got to be considered in all its bearings. It is hardly possible to give an answer in the course of evidence as to what should be the legal implications of such a position.

3026. *Mr. Jayakar*: Therefore, may I take it that no final and unalterable decision upon this point has been arrived at by the States ?

Mir Maqbool Mahmood: No.

3027. *Dr. B. R. Ambedkar*: I am satisfied that you regard the position as anomalous and worthy of consideration ?

Mir Maqbool Mahmood: It is, undoubtedly, worthy of consideration.

3028. *Dr. B. R. Ambedkar*: Now I want to ask you a question about this Federal Court. Will you look at paragraph 155 of the White Paper ? You will see there that there is no provision made for a Federal Court having any jurisdiction in a dispute arising between a citizen from an Indian State versus a British Indian Province, or a citizen of a British Indian Province versus an Indian State. Do you not agree that it is necessary to provide a forum whereby a British Indian subject having a cause of action arising out of a Federal law against an Indian State should have a forum wherein he could vindicate his right ?

Mir Maqbool Mahinood: As I understand the White Paper, it is contemplated that Section 155 would apply only to certain special cases where the parties are State and State, or State and Province, or State and Federation, or Province and Federation. As regards a particular

individual having a cause of action against a British Indian Province or a State, there is really no provision that the Federal Court will have jurisdiction. It is evidently implied that the cause of action arises or the place of residence of the defendant, as is ordinarily the case according to the Code of Civil Procedure, will determine the forum where the litigation will take place.

3029. *Dr. B. R. Ambedkar*: That is not the question. The question is this : Whether the Federal Court would have jurisdiction ?

Mir Maqbool Mahmood: No, it is not contemplated that the Federal Court will have jurisdiction.

3030. *Dr. B. R. Ambedkar*: Supposing a dispute arises out of a cause of action out of a Federal Legislation, the ultimate forum, wherever the original suit may lie, certainly must be the Federal Court ? May we not first look at the original litigation, the suit itself ?

Mir Maqbool Mahmood: It evidently contemplates that the suit will lie, either in British India or in the State, as the case may be. Then we come to the question, of appeal.

3031. *Dr. B. R. Ambedkar* : But the suit may be of such a large character that the jurisdiction may lie with the Federal Court itself ?

Mir Maqbool Mahmood: I do not think so.

3032. *Dr. B. R. Ambedkar*: All that I want to draw your attention to is this, that in the provisions contained in paragraph 155, there is no provision made for a private citizen to vindicate his rights arising out of Federal Legislation against a Native Indian State, or a citizen of an Indian State against an Indian Province ?

Mir Maqbool Mahmood: Evidently.

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3036. *Dr. B. R. Ambedkar*: Will you please refer to paragraph G of your Memorandum, Document 21, sub-paragraph (c)?

Mir Maqbool Mahmood: Yes.

3037. *Dr. B. R. Ambedkar*: At the end of that paragraph you suggest that in case a particular State fails to enforce the decree of the Federal Court powers should be given to the Viceroy to do so?

Dr. P. K. Sen: Yes.

3038. *Dr. B. R. Ambedkar*: Why do you want to give this power to the Viceroy and not to the Governor-General or to the Federal Ministry ? The Federal Court is part of the Federal Constitution ?

Dr. P. K. Sen: In the event of a particular order of the Federal Court not being carried out by the State unit, it seems that the appropriate person to see that it is carried out is the Viceroy.

3039. *Dr. B. R. Ambedkar:* Why Viceroy ? Why not the Governor-General or the Federal Ministry ? Why the Viceroy ?

Dr. P. K. Sen: Because the Viceroy is in touch with the State in his position as representative of the paramount power to see that a particular function which the State ought to fulfil is fulfilled.

3040. *Dr. B. R. Ambedkar:* No, I take a different view, and I want to put that view to you. The Federal Court is part of the machinery of the Federal Government, and it is the Governor-General who, under the White Paper proposals would be the person who would represent the Federation and not the Viceroy. The appropriate party therefore to have this power, if anyone is to have it, is the Governor-General and not the Viceroy ?

Dr. P. K. Sen: The question is whether the Governor-General as Governor-General, and as head of the Federal Executive, will be able to bring to book, if I may so use the expression, or, rather, to enforce the particular order in the State.

3041. *Dr. B. R. Ambedkar:* My point is that he should be able to do it, not the Viceroy. The Viceroy represents the Crown in relation to paramountcy in these things ?

Dr. P. K. Sen: What is the sanction for the Governor-General? We apprehend that it would be the Viceroy who would have that particular relationship of control as representative of the paramount power to bring it into effect.

3042. *Dr. B. R. Ambedkar :* I do not know whether I have made myself clear. My point is that the Federal Court is part of the Federal Constitution ?

Dr. P. K. Sen: Undoubtedly.

3043. *Dr. B. R. Ambedkar:* And the head of the Federal Constitution will be the Governor-General and not the Viceroy ?

Dr. P. K. Sen: Yes.

3044. *Dr. B. R. Ambedkar:* Consequently, the enforcement of the decisions of the Federal Judiciary, which is part of the Federal Constitution, properly belongs to the Governor-General and not to the Viceroy, and therefore it is the Governor-General who ought to have the power of enforcement ?

Dr. P. K. Sen: All I can say is that it seems that the proper procedure would be for the Governor-General to proceed through the Viceroy.

3045. *Dr. B. R. Ambedkar:* I will not pursue that point further. Mr. Panikkar, in reply to a question put by Mr. Jayakar, you said that it would be necessary to have the prior consent of the Indian States before the

subjects which are going to be reserved at the centre are transferred, especially the Army. Have I represented you correctly ?

Mr. K. M. Panikkar: Quite correctly.

3046. *Dr. B. R. Ambedkar:* Do I understand you to say that if the States assent, at the next time when a question for discussion arises, that the Army should not be a transferred subject, it would not be transferred ?

Mr. K. M. Panikkar: Presumably so.

(4)

Sir Michael O'dwyer, G.C.LE., K.C.S.I.

3356. *Dr. B. R. Ambedkar:* In your evidence I find that you make a very sharp distinction between what are called the intellectual classes, or intelligentsia and the masses. I want to ask you this : Do you make any difference in the situation when the intellectuals which you have in mind are drawn from one particular stratum of society and the situation in which the intellectuals are drawn from the different strata of society ?

Sir Michael O'dwyer: I do. I think if they are drawn from different strata they will have a wider outlook.

3357. *Dr. B. R. Ambedkar:* Do not you think in the present circumstances in India the intellectual class is really a composite class not merely drawn from the Brahmins but from the non-Brahmins, the Muslims, the Depressed Classes ?

Sir Michael O'dwyer : It varies very much in the different parts of India. In the North of India the intellectual classes are predominantly Hindu outside the Punjab, and are drawn from the higher caste-Hindus. In Madras, where education has been more widespread, the situation is different. It would be very hard to generalise.

3358. *Dr. B. R. Ambedkar:* The point I wish to put to you is this : You would not say, I am sure, that if the intellectual classes are drawn from the different strata of Indian society, that there would be the same dichotomy between them and the masses as would be the case if the Intellectual classes were drawn from one single stratum ?

Sir Michael O'dwyer: I entirely agree with you, there would not be.

3359. *Dr. B. R. Ambedkar:* Therefore I think it would logically follow that such an intellectual class could be trusted to take care of the masses from which they themselves are drawn ?

Sir Michael O'dwyer : I think so; they would be more likely to do so.

3360. *Dr. B. R. Ambedkar:* I want to ask you another question : Is it not a fact that the existing Government rather fights shy of a legislative programme of social reform ?

Sir Michael O'dwyer: Yes, I think on the whole there is a hesitation to do anything which could be construed or misconstrued interference with religious usages.

3361. *Dr. B. R. Ambedkar:* Do you not agree that a large part of the inefficiency of the Indian people is really due to these social evils ?

Sir Michael O'dwyer: I think it has been largely due to that.

3362. *Dr. B. R. Ambedkar :* And, therefore a Government which fights shy of a programme of legislative reform in order to remove the causes of social inefficiency of the Indian people is a weak Government ?

Sir Michael O'dwyer: I would not say the Government fights shy. The Government hesitates until it feels it has a certain support of a mass of public opinion on its side. I think on that ground it supported the Survey Act.

3363. *Dr. B. R. Ambedkar:* Yes, but in the main its legislative programme has been very poor ?

Sir Michael O'dwyer: Yes. because legislation can never be too much in advance of public opinion in a country like India. When the Government first introduced legislation of that kind Mr. Tilak was at once up in arms, and said the Government was interfering with religion. The result was an agitation in the Deccan and massacres.

3364. *Dr. B. R. Ambedkar :* The Government was frightened by a single individual like Mr. Tilak ?

Sir Michael O'dwyer: It was not Mr. Tilak alone; he had marvellous powers of carrying people with him.

3365. *Dr. B. R. Ambedkar :* Indians would not be afraid of Mr. Tilak ?

Sir Michael O'dwyer: I think they would. I think very few people would cross swords with Mr. Tilak. Lord Sydenham was one.

3366. *Dr. B. R. Ambedkar:* You said you would not transfer Law and Order for the moment. You would transfer all the other before you would transfer Law and Order, and not make any change at the centre. Would you give us any idea of the interval you would like to elapse before Law and Order is transferred ?

Sir Michael O'dwyer: I would leave it. Let communal antagonism die down. When Ministers who have been given extended powers have used those powers in the Departments of Land Revenue, Irrigation, and others, and have shown that they are capable of being entrusted with further powers, and when the anti-British agitations which exist and terrorist gangs which exist in certain provinces have been got under, and when conditions are otherwise favourable, then I would favour a transfer of Law and Order.

3367. *Dr. B. R. Ambedkar:* You were asked whether there was any section of the Indian public which would be favourable to the sort of scheme which you propose. You said : Yes, there would be some sections in India which would accept that ?

Sir Michael O'dwyer: Yes.

3368. *Dr. B. R. Ambedkar:* I want to put this to you : Make the other assumption which is being put to you that there is no section in India which will accept that. I ask you to make that assumption ?

Sir Michael O'dwyer: Yes.

3369. *Dr. B. R. Ambedkar:* Then tell us what would be your next move, supposing you found that there was no section in India which was prepared to accept your proposal; what would be the advice that you would tender to Parliament in that case ?

Sir Michael O'dwyer: I would go ahead on the lines I thought most suitable for the benefit of the people of India.

3370. *Dr. B. R. Ambedkar:* Your position is do what you think best and leave the Indians to accept or not accept ?

Sir Michael O'dwyer: Yes; trusting in time that they will see that the restrictions imposed,.....

3371. *Dr. B. R. Ambedkar:* For the sake of argument make that assumption that ultimately, after sufficient waiting, you found no Indian section to accept your scheme, what would be the advice you would then tender to Parliament ?

Sir Michael O'dwyer: The advice I would tender to Parliament would be to go ahead with the scheme which you consider feasible and workable in the hope that the people in time will realise that your position is a natural one and will come round to accept a reasonable view.

3372. *Dr. B. R. Ambedkar:* I am sorry you are not following my question. My question is a very specific question ?

Sir Michael O'dwyer: I might abbreviate it in this way. I do not think people will maintain an unreasonable attitude for an indefinite period of time.

3373. *Dr. B. R. Ambedkar:* Supposing they thought the White Paper Scheme, or your scheme, was so bad that they would not touch it ?

Sir Michael O'dwyer: The King's Government must be carried on upon the best methods by which you could do it.

* * * * *

3564. *Dr. B. R. Ambedkar:* My Lord Chairman, before Sir Michael O'dwyer leaves, may I point out one fact ? Sir Michael, in answer to a question put by Mr. Butler, made the point that the Simon Commission

made the recommendation with regard to the Transfer of Law and Order; it is Volume II of the Simon Commission Report, paragraph 369. This is the paragraph you had in mind, was it not, " In writing this Report we have made no allusion to the events of the last few months in India " ?

Sir Michael O'dwyer: Yes, that is it.

3564A. *Dr. B. R. Ambedkar :* But I should like to point out to you that most of us understood by the events referred to here, the events of the Non-Co-operation Movement by Gandhi and certainly not the communal riots that took place in India, such as at Cawnpore.

Viscount Burnham: I said that had reference to the communal riots. I understood it in the sense I mentioned, that they did not refer to the Civil Disobedience Campaign, or to the communal riots which were the result of them.

(5)

Mr. F. E. James, Mr. W. W. K. Page, Mr. T. Gavin-Jones, Mr. G. E. Cuffe, Mr. L. A. Roffey, Sir William McKercher and Mr. F. W. Hockenull

3882. *Dr. B. R. Ambedkar:* Just one or two questions. I want to ask Mr. James one question first. Does your Association accept the declaration that was made by Lord Irwin during his viceroyalty, on the 29th October 1929, which said that, according to the view of His Majesty's Government then in office, the logical evolution of India's political constitution was Dominion status ? Does your Association accept that declaration ?

Mr. F. E. James: I do not believe that that particular statement of Lord Irwin is contained in the White Paper.

3883. *Dr. B. R. Ambedkar :* Not, it is not ?

Mr. F. E. James: And my Memorandum deals with the proposals of the White Paper, but I do remember that at the time of that statement the Association made a pronouncement and I would refer the gentleman to the newspaper files on which that pronouncement will be found.

3884. *Dr. B. R. Ambedkar:* Would you give us a summary of that pronouncement ?

Mr. F. E. James: I would not trust my memory to do that just now.

3885. *Dr. B. R. Ambedkar :* Let me put my point somewhat differently. Do you accept the proposals laid down in the White Paper as the final form which the Constitution of India should take, or do you think there is some room for evolution further ?

Mr. F. E. James: I think the answer to that is to be found in paragraph I of the Memorandum.

3886. *Dr. B. R. Ambedkar :* That gives the answer, does it ?

Mr. F. E. James: That, I think, is the answer: " We consider the general scheme of the White Paper to be satisfactory as a whole and to form a reasonable basis on which to frame the future Constitution of India."

3887. *Dr. B. R. Ambedkar:* My question, if I may say so, was somewhat different. My question is this : Do you regard these proposals as the final form of India's political constitution ?

Mr. F. E. James: May I refer you to the third sub-paragraph of paragraph I of the Memorandum, in which you will find the following words : "The Council of the Association reserves the right to determine its final attitude to the constitutional scheme when the Report of the Joint Select Committee has been published and the Bill for the future Government of India based upon that Report is presented to Parliament."

3888. *Dr. B. R. Ambedkar:* Forgive me; that, again, is not an answer to my question. My question is somewhat different. My question is this : Do you think that there is any more room for the advancement of the political status of India beyond the proposals as they are laid down in the White Paper ? Have I made myself clear ?

Mr. F. E. James: Yes. Obviously the White Paper leaves room for modification or changes in the future.

3889. *Dr. B. R. Ambedkar:* I used the word "advancement"?

Mr. F. E. James: If you call it advancement, possibly.

3890. *Dr. B. R. Ambedkar:* I will not pursue that point ?

Mr. F. E. James: But we are now considering only the proposals of the White Paper.

3891. *Dr. B. R. Ambedkar:* In paragraph 52 you make the proposal that the Indian Legislatures should not have authority to effect the law of British Nationality, I quite follow that point. Then you go further on and say that it should not even have authority to prescribe what might be called Indian Nationality, on the analogy of the Canadian Act. I understand what you say. What I want to know is this. Do you want to put that as an absolute limitation which would prevent the Indian Legislature from constituting a status of an Indian National for any purpose whatsoever ?

Mr. F. E. James: No; I think the paragraph is perfectly clear. We merely say that if India does desire to legislature in that way, India should not be permitted to do so to the exclusion of the European British Community in India.

3892. *Dr. B. R. Ambedkar :* I put it this way : Supposing, for instance, a case arose which is similar to that which arose in Canada and which gave rise to that Act ; supposing there was necessity for Indian representation on any international tribunal and India wanted that right of representation

should be reserved to Indian British subjects of His Majesty or Indian subjects of His Majesty, would you not in that case allow the Legislature to pass a law providing for such a status being created on the analogy of the Canadian Act, or for the matter of that, the South African Act ?

Mr. F. E. James: The answer to that really is the last sentence of our paragraph. Perhaps Mr. Page will explain it in greater detail.

Mr. Page: I think, Sir, that you need be under no misapprehension that there is any such hidden meaning. The whole of our object as regards that paragraph is this, that the creation of what we may call an Indian citizenship should not affect, in our view, the rights of a British National as a British subject. What we really want to say is this, that we wish to preserve for all individuals of British nationality, while resident in India either temporarily or otherwise, all the rights to which an Indian subject of His Majesty similarly resident is entitled, and we wish to prevent the passing of any law, or the making of any regulation or rule, which would have the effect of restricting or taking away any of these rights. That is the whole object of that paragraph. We have not the slightest objection to the formation of an Indian citizenship.

Dr. B. R. Ambedkar : My Lord Chairman : Is it in order to put a similar question to Mr. Gavin Jones on the suggestions he has made, but if it is not, I will not pursue that point ?

Chairman: If Dr. Ambedkar ask my personal view, it is that perhaps the matter is not sufficiently important at this stage to justify the time taken.

(6)

**Sir John Perronet Thompson, K.C.S.I, K.C.I.E., Sir Alfred Watson
and Mr. Edward Villiers**

4659. *Dr. B. R. Ambedkar:* Just one question. Sir John Thompson. Yesterday you raised a question regarding making some provision for safeguarding the financial position of the Provinces, and, by way of illustration, you mentioned that under the present circumstances the water rate, which provides a very large part of the Provincial Revenue, is liable to be changed by Executive order—I think that is what you said yesterday ?

Sir John P. Thompson: Yes.

4660. *Dr. B. R. Ambedkar:* Is it not a fact that for a long time the Indians have been agitating that all this taxation which is raised by mere Executive order—and, as you know the Land Revenue is also raised by Executive order—should not be raised any further hereafter by Executive order, but should be raised by legislative enactments ?

Sir John P. Thompson: Certainly there has been an agitation to that

effect, as regards Land Revenue. I am not quite sure how far that goes in regard to the Irrigation rates.

4661. *Sir Tej Bahadur Sapru* : May I point out that in point of fact Land Revenue is not raised by Executive Order ? What he is probably thinking of is that Land Revenue settlements are effected by Executive Order ?

Sir John P. Thompson: Yes.

4662. *Dr. B. R. Ambedkar* : Yes ; and a recommendation was made that all these finances which are raised by Executive Order should no longer be raised by Executive Order but by legislation ?

Sir John P. Thompson : I do not know that.

Dr. B. R. Ambedkar: That has not been carried into effect.

(7)

Sir Charles Innes, K.C.S.I., C.I.E.

5161. *Dr. B. R. Ambedkar* : Sir Charles, you laid considerable emphasis on Second Chambers ?

Sir Charles Innes: Yes.

5162. *Dr. B. R. Ambedkar* : The reason that you gave was that it would mitigate the necessity of the constant use of the special powers ?

Sir Charles Innes: No. I do not know that I said it would mitigate the necessity. I said that it would reinforce the special powers, and I hoped that the existence of the Second Chamber would make it unnecessary, or make it necessary very rarely, to use the special powers which nobody wants to be used.

5163. *Dr. B. R. Ambedkar*: It is not your position that you would substitute Second Chambers for the special powers ?

Sir Charles Innes: No.

5164. *Dr. B. R. Ambedkar*: The second question I want to ask you is this : I think this morning you stated that there was nothing unusual in these special responsibilities, and that you found them in some of the Constitutions of the Dominions ?

Sir Charles Innes: I said there was nothing new in safeguards. I think those were my exact words.

5165. *Dr. B. R. Ambedkar*: I want to put to you this : Is not there this difference between whatever safeguards there might be in the Constitutions of the Dominions and the provisions in the White Paper ? I am sorry I cannot put the question in a short form, because I have to give some explanation of the position as I understand it before I can put this question. I think under responsible government it is never understood (at least, I do not understand) that the Governor is absolutely bound by the

advice given by the Ministry. He can refuse to take their advice if he thinks that he need not take it, but when I think the next step that he can take is to form another Ministry which will support him in the particular view which he takes. If that Ministry does not take the view that he takes he can dissolve the Legislative Council and have a new Legislature elected, and if he then finds that there cannot be a Ministry constituted from the new Legislature he must yield. Is not that so ?

Sir Charles Innes: Yes, that would, ordinarily, be the case, unless he thought it was so important that he should not do it.

5166. *Dr. B. R. Ambedkar:* Under the proposals in the White Paper is not there this vital difference, that under the White Paper proposal the Governor will be in a position to overrule any and every Ministry ?

Sir Charles Innes: Only in the exercise of his special responsibility.

5167. *Dr. B. R. Ambedkar :* He will never be bound by the advice of any Ministry ?

Sir Charles Innes: Just as on our side we are assuming that the Indian is going to work the constitution in a spirit of reasonable co-operation, so also I think you have to assume that the Governor is going to do his best to work the constitution in the spirit in which it was conceived.

5168. *Dr. B. R. Ambedkar :* Yes ?

Sir Charles Innes : I do not see why you should assume that the Governor will try to exercise these powers. I think every Governor will try to avoid exercising them as much as he possibly can.

5169. *Dr. B. R. Ambedkar:* I am trying to bring out the difference between the two positions as I see it: the special powers do not give the Governor the power to overrule a particular Ministry with whose advice he disagrees ?

Sir Charles Innes: I really do not know what you are driving at.

5170. *Dr. B. R. Ambedkar:* The point I want to put to you is this, that the special powers which are to be given to the Governor are not given in order that he may overrule a particular Ministry whose advice he does not accept; but the powers are given so that he may overrule any Ministry ?

Sir Charles Innes: Exactly, because what he has got to do is to discharge certain special responsibilities. It is not a question of overruling a particular Ministry or not : it is a question of whether or not he has got to preserve that special responsibility.

5171. *Dr. B. R. Ambedkar :* That is a vital difference between the safeguards ?

Sir Charles Innes: That is exactly what I said : that the safeguards in India may have to be more precise and more defined because of certain

facts. For instance, this communal trouble necessitates safeguards.

5172. *Dr. B. R. Ambedkar*: I am not asking whether there are any grounds for it. I am trying to point out that there is a difference ?

Sir Charles Innes : Yes.

(8)

**Sir Edward Benthall, Sir Thomas Catto and Mr. G. L. Winterbotham,
on behalf of Associated Chambers of Commerce of India**

6214. *Dr. B. R. Ambedkar* : Sir Edward, I want to ask you, first of all, a question with regard to that part of your statement dealing with Federal Finance. I think (I do not know whether I am putting it correctly) you attach a great deal of importance to uniformity of taxation in India ?

Sir Edward Benthall: Yes.

6215. *Dr. B. R. Ambedkar*: And on that account, you have made the suggestion that almost all sources of Revenue, as between the Centre and the Provinces, should be segregated at the Centre, and that the Centre should divide ? Is that not so ?

Sir Edward Benthall: Do we make that suggestion ?

6216. *Dr. B. R. Ambedkar* : I am summing it up generally, that you want that almost all the principal taxes, at any rate, should be levied by the Centre in order that there may be uniformity of taxation ?

Sir Edward Benthall: We did not go so far as to say that. We desired uniformity, but we did not go so far as to say that all taxes should be levied by the Centre.

6217. *Dr. B. R. Ambedkar*: How would you otherwise have uniformity of taxation, if there was not one tax levying authority in India as a whole ?

Sir Edward Benthall: Some methods of co-ordination might be devised.

6218. *Dr. B. R. Ambedkar*: Suppose, for instance, we adopted the principle that a Province was to levy a surcharge on Income Tax for Provincial purposes, that would cut across the principle of uniformity ?

Sir Edward Benthall: Yes; we are totally opposed to that.

6219. *Dr. B. R. Ambedkar*: Then again, you oppose terminal taxes ?

Sir Edward Benthall: We are opposed to them on principle, and we have suggested that any taxes which are likely to lead to inter-Provincial Customs duties or inter-Provincial barriers, should require Federal approval. That is the purport of our evidence.

6220. *Dr. B. R. Ambedkar* : That would ultimately mean that there would be segregation of the sources of taxation ; either the Province could not levy, or could levy only with the prior approval of the Centre ?

Sir Edward Benthall: There would be a third method of devising some scheme of co-ordination, I think.

6221. *Dr. B. R. Ambedkar*: I do not know. Have you any method to suggest as to how this co-ordination is to be brought about ?

Sir Edward Benthall: I think there are rules laid down at the present moment. Of course, at the present moment we are dealing with a unitary Government which lays down rules.

6222. *Dr. B. R. Ambedkar*: We want to look at this thing, surely, from the standpoint of the Provincial Autonomy which we are contemplating, and also of the responsible Government that we are introducing into the Provinces ?

Sir Edward Benthall: Yes.

6223. *Dr. B. R. Ambedkar*: Now I want to put this : From the standpoint of Provincial Autonomy, it would be very difficult to realise this Autonomy in practice if the Province is not to be free to devise its own method and system of taxation and has to go to the Centre every time ?

Sir Edward Benthall: Not every time, but in the case of these particular taxes which are likely to result in the stoppage of development of Indian commerce. May I just say this, that our intention in bringing forward these points was not to lay down any rules but to bring them to the notice of the Joint Select Committee, so that they might consider them.

6224. *Dr. B. R. Ambedkar*: Then I will put this generally : That you would recognise that in devising any system of finance as between the Centre and the Provinces, it is necessary to recognise that whatever system is adopted, it will not be incompatible with Provincial Autonomy and responsible Government in the Provinces ?

Sir Edward Benthall: Yes. In answer to a previous question, I said there should not be more concurrent powers than are necessary, and we agree to that. The division of subjects and of taxation should be as clear-cut as possible, but, from the point of view of trade, we desire to point out how these provisions might lead to inter-Provincial Customs barriers.

6225. *Dr. B. R. Ambedkar*: Now I want to ask you a question about this Reserve Bank, referred to in paragraph 3. You say that the bank ought to be free from political interference ?

Sir Edward Benthall: Yes.

6226. *Dr. B. R. Ambedkar*: I suppose you will agree that political aid would be necessary for the bank in times of crisis ?

Sir Edward Benthall: It might be.

6227. *Dr. B. R. Ambedkar*: It might be necessary in a crisis, in order to support the bank to have the Government declare a moratorium ?

Sir Edward Benthall: Yes, it is customary I think, in the constitutions of all Reserve Banks to allow them ultimate power of intervention by the

Government in case of a financial crisis, and I would not object to that in a Reserve Bank.

6228. *Dr. B. R. Ambedkar* : You would, therefore, permit, if the Government is to aid the bank in times of crisis, either by way of a moratorium or by way of advancing money in order to stabilise its reserves so that it could carry on, that it should have some influence over the bank, and its operations ?

Sir Edward Benthall: The Government, in some form or other, will appoint some of the officers of the bank and some of the Directors, but the Government should not appoint a majority of such Directors.

6229. *Dr. B. R. Ambedkar*: I want to make this point clear. I make this distinction : Political intervention, interference and influence. What is it that you would allow the Government to have and what is it you would exclude the Government from ?

Sir Edward Benthall: To define that would mean drawing up the constitution of the Reserve Bank.

6230. *Dr. B. R. Ambedkar* : I will not pursue that. Now, with respect to Directors, what sort of a provision do you contemplate for excluding political influence ? Would you say, for instance, that a person who belonged to a political party in India was to be disqualified from being a Director ?

Sir Edward Benthall: No. To begin with, I would have a Shareholders Bank, and the shareholders nominating the majority of the Directors.

6231. *Dr. B. R. Ambedkar*: They may be politicians?

Sir Edward Benthall: Not politicians sitting in the Legislatures.

6232. *Dr. B. R. Ambedkar*: But they may be very actively supporting the Party fund?

Sir Edward Benthall: If they were very actively supporting Party politics, they would not carry the financial confidence of the country.

6233. *Dr. B. R. Ambedkar*: But there will be no disqualification to such persons being appointed ?

Sir Edward Benthall : They would be very foolish if they tried to carry on the two things at once.

6234. *Dr. B. R. Ambedkar*: Now with respect to your comments on paragraph 122 of the White Paper. In paragraph 5, you make certain suggestions for including certain qualifications in Proposal 122 ?

Sir Edward Benthall: Yes.

6235. *Dr. B. R. Ambedkar* : I just want to read the last four or five lines of that paragraph : " but no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with

exceptions the sale or mortgage of agricultural land in any area to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area." What I want to point out is this, that unless the words "without distinction of caste, creed or religion," are inserted in this latter portion, it will still be possible to make a discrimination within that class based on caste, creed or religion. You can have an agricultural class and within that agricultural class you can make a distinction between caste, creed or religion ?

Sir Edward Benthall: Yes. I should like the lawyers to consider that point.

6236. *Dr. B. R. Ambedkar :* The reason why I ask you is this, that you make certain suggestions with regard to the improvement of this clause by saying : "if this proposal is to be effective, it will be necessary to include " domicile, continuity or duration of residence " in British India ?

Sir Edward Benthall : Yes.

6237. *Dr. B. R. Ambedkar:* You did not say that it should also exclude any distinction based upon caste, creed or religion ? That would have to be done if this paragraph is to be effective against any discrimination ?

Sir Edward Benthall: I think the point that we made in connection with the latter half of that paragraph is contained in our paragraph 6 under Section G. We did not want that to apply to prevent Europeans taking up land, planters, and such people.

6238. *Dr. B. R. Ambedkar :* But, as I say, in order to effect your purpose, if it were necessary, you say that distinction shall not be based upon caste, creed, race or religion ?

Sir Edward Benthall: Yes; it is a matter of legal draftsmanship.

(9)

Lady Layton, Mrs. O. Stracey and Sir Philip Hartog, on behalf of the British Committee for Indian Women's Franchise

C67. *Dr. B. R. Ambedkar :* I would like to ask one question. I do not know whether you agree with me, but I suppose when you press for votes for women, I think you also desire that the franchise should be so devised that the women who will be brought upon the register will be drawn from all strata of Indian society, and not necessarily drawn, either from the upper strata or the middle strata or the lower strata exclusively; that there ought to be some proportion of the women on the electoral roll to the communities from which they are drawn ?

Lady Layton: As far as is practically possible, certainly.

C68. *Dr. B. R. Ambedkar:* I mean, it is not your case that you want this mathematical ratio of 1 to 4 or 1 to 5, but apart from that ratio, you would

also desire that all women from all sections should be on the register ?

Lady Layton : Certainly, as far as possible, we do want to feel that the urban and rural voters and the different sections will be adequately represented.

C69. *Dr. B. R. Ambedkar*: You will also agree, I suppose, that if the education qualification or the property qualification were fixed higher, the result of that would be that you would be getting on to the electoral roll women drawn from one section of Indian society alone ?

Lady Layton: That is so. I would supplement that by saying that if it were administratively possible, we should welcome, and we have pressed in our Memorandum, that the wives of the lower property qualification should be enfranchised, and not only the wives of the higher property qualification.

C70. *Dr. B. R. Ambedkar*: What I am anxious to get at is this— whether you attach importance to the point which I am putting to you, namely, a well-proportioned distribution of the women's voting strength throughout the population, or whether you merely attach importance to the proportion of the man voter as against the woman voter?

Lady Layton: Attach importance to both those factors but we think that the women's interests for the moment are sufficiently safeguarded on this particular question. If you have a sufficient number of women enfranchised in all the districts for them to represent the other women, the women who are not enfranchised, we would like to see it as low as possible, and if it is put at a certain place now we would like it to be moved as soon as practically possible. We ourselves would certainly wish to see it as low as possible. We would be prepared to ask for adult franchise, if it were practically possible, but we realise it is not administratively possible.

C71. *Dr. B. R. Ambedkar*: Might I put the same point in a somewhat different manner ? Of course, all women are interested in matters of social welfare; that is quite true. The woman's point of view may be quite common, but you will also realise that schemes of social welfare are going to cost money, if they are to be put through and that would require taxation ?

Lady Layton: Yes, I quite appreciate it would.

C72. *Dr. B. R. Ambedkar*: And all women may not take the same point of view with regard to that; they are likely to divide on the basis of the class to which they belong ?

Lady Layton: Yes, I can give you two answers to that. First of all, take the education point of view. If you have a certain amount of money to

divide on education, women of every class would agree that it should be spent equally on men and women, whereas, if you have not got women with sufficient pressure to bear, you will still go on spending a great deal more on the boys than on the girls. In the first place, that is one of the things that has to be seen to. Also, I would say this: The women of all classes who are taking any active interest in welfare are pressing that there should be a larger proportion of finances spent on education. I think you could safely trust to the women of most classes to take that line at the present moment, but I should be very glad to see the franchise taken as near as possible, and that is why I do lay particular importance upon the literacy qualification. Any woman who is intelligent enough to be of any value to bring any pressure to bear at all can make herself literate within a reasonable period and if you have the literacy qualification, and any section of women feel strongly that the section of women which has the vote, is not taking the vote, they have the weapon in their hands, and it is for that reason that I have always been so strongly in favour of literacy, and it is for that reason that all the organised women of India are also, in favour of literacy.

C73. Dr. B. R. Ambedkar: I am satisfied, as long as you see my point of view. Sir Philip Hartog, I just want to ask you a question about literacy. We have really no information as to what the administrative difficulties are, as they are alleged to be, against adopting literacy as a test for the franchise in the case of women, but what I understand the difficulties to be are these : First of ail, it is suggested that there are no certificates available which would enable a registration officer, offhand, to satisfy himself that a woman falls within the category required under literacy, and therefore, would in the position to be put on the roll offhand. That being the case, we shall have to adopt the procedure suggested in the proposals, that a village officer should examine and his certificate should be countersigned by a tahsildar. I think the administrative difficulty that is suggested is this: How is a village officer to approach a woman in the village to find out whether she is literate or not ? Would you make it depend upon the woman who wants to get her vote having to approach and make an application ?

Sir Philip Hartog: I think that is the only possible way. She would have to have sufficient interest to say, either herself or through her husband : " I wish to be placed on the roll ; I am literate and am willing to be tested."

C74. Mr. Butler : How does that differ from application ?

Lady Layton : I do not think we have objected to application on the part of literacy in our Memorandum. We do not object. We think that the

people who are already recognised as literate in any educational qualification that is admitted should be put automatically on the roll. Beyond that it must be a matter of application.

C75. Dr. B. R. Ambedkar : So really this objection raised on the basis of inquiries made in households, which might be objectionable, would not arise ?

Sir Philip Hartog: May I just say, it seems to me to be an appropriate point to make reference to two answers of the Secretary of State bearing directly upon the point which has been raised by Dr. Ambedkar. In answer to question 7437 the Secretary of State said : " In future, for future generations of girls or women, it will be a comparatively simple matter to adopt your educational registers and returns for electoral purposes, but in Provinces where that has not been done hitherto, there will be very considerable difficulty in doing it for the first election." Now, I should like to point out that if you read that with another answer of the Secretary of State, he says at page 817, question 7214 : "There will be no change for X years." In answer to the Marquess of Salisbury, he suggests that in the Act of Parliament he would say for X number of years there can be no alteration of the franchise. Consequently, it would be of little use to have a register for the second, third or fourth elections, if those second, third or fourth elections came within the period of X years. Let me take the question of number. The total number of literate women is estimated in the Lothian Report to be a million and a quarter. It is on page 86 of that Report. Of those, 3,45,000 are in Madras, with regard to whom there is no difficulty. That leaves over for the rest of India the relatively small number of 8,75,000. Now, if it was possible to put 3,45,000 Madras women on the rolls for one election, and that must have been done at some time or another, why is it impossible to put 8,75,000 women on the rolls for the whole of the rest of India ?

(10)

Rajkumari Amrit Kaur and Mrs. Hamid Ali on behalf of All India Women's Conference and two other Women's Associations

C334. Dr. B. R. Ambedkar : Did you say there would be no difficulty about the Mohammedan households ?

Mrs. Hamid Ali: The Mussulman never has an objection to taking his wife's name. As Sir Hari puts it, there is a certain feeling of delicacy, but I have never known any feeling of difficulty among Muslims to take their wives' names. It is true the women do not take their husband's name frequently, but they do it occasionally.

Rajkumari Amrit Kaur: It is in Hindu households, where the husband

may object to taking the wife's name.

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C342. *Dr. B. R. Ambedkar* : I thought the point of the question raised by Sir Hari Singh Gour was not whether there was some mental objection on the part of the Hindu husband or the Mohammedan husband to give utterance to the name of his wife. I thought the point of the question was : Which one of the two, or anyone, would object to the sort of enquiry that a registration officer will have to make ?

Rajkumari Amrit Kaur: I do not understand what sort of enquiry the registration officer have to make.

Dr. B. R. Ambedkar: It will be, " Have you a wife; if you have a wife, what is her name ? "

Sir Hari Singh Gour: And " How many wives have you got ? "

Dr. B. R. Ambedkar: Who would object to the sort of enquiry that will have to be made by the registration officer is the point of the question.

Marquess of Lothian: " Is she over 21"?

Dr. B. R. Ambedkar: That is the sort of question.

C343. *Chairman*: The witness might care to interpose an answer now. Will you answer Dr. Ambedkar's suggestion, if you have any views ?

Rajkumari Amrit Kaur : Yes; I can only say that I do not think anybody will have any objection to a question like that. I cannot understand the mentality that even prefers a question of this nature. It seems to me wholly incomprehensible.

C344. *Chairman*: Do you agree with that answer, Mrs. Hamid Ali ? Do you agree that there will be no difficulty ?

Mrs. Hamid Ali: I think it will depend on the way and the tone, in which a question like this is put. Ordinarily a question like that asked in good faith and with no evil intention would not be taken amiss by anybody at all.

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C346. *Dr. B. R. Ambedkar*: I want to ask (Mrs. Hamid Ali) one more question. You come from Bombay. You know that there are certain distinct wards which are exclusively Mussalman quarters. From your experience do you really think it is possible for an election officer to enter these wards and make these enquiries?

Mrs. Hamid Ali: As far as Bombay is concerned, yes. I do not think anybody would take objection in Bombay, because in Bombay we have municipal elections so often and people are trained to this kind of thing.

C352. *Dr. B. R. Ambedkar*: I have not exactly followed what is stated in this supplementary statement No. 56 in regard to the representation of women in the Federal Assembly. It is said " We have repeatedly urged

that we do not desire the communal virus to enter into our united ranks." You see that the proposal of the White Paper so far as the representation of women in the Lower House is concerned is not by communal electorates, but is by a general electorate by a single transferable vote ?

Rajkumari Amrit Kaur : Yes.

C353. *Dr. B. R. Ambedkar* : From that point of view I should have thought it could not be objected to on the ground of its being a communal electorate ?

Rajkumari Amrit Kaur : In the first place the seats in the Lower House of the Federal Assembly for Women are definitely to be on a communal basis. We have the Secretary of State's clear dictum on that point, in his evidence the day before yesterday or three days ago. In the Lower House of the Federal Assembly the reserved seats to which this indirect system of election refers are definitely to be on a communal basis.

C354. *Mr. M. R. Jaykar* : Your objection is to the reservation of seats on the communal basis ?

Rajkumari Amrit Kaur : Yes; and further the indirect system of election to those seats by legislatures which must, in the very nature of the Constitution as proposed today, be on communal lines.

Miss Mary Pickford : May I just interpose here ? In the Secretary of State's reply when he said that the communal question was involved he was then referring to the women's seats on the Provincial Council of Bengal. It was not in reference to the seats in the Legislative Assembly.

C355. *Dr. B. R. Ambedkar* : That is what I thought. If I may draw the attention of the witness to page 89 of the White Paper, Appendix II, I should have thought that that matter had been settled once and for all. You also refer to it. " Election to the women's seat in each of the provinces to which one is allocated will be by the Members of the Provincial Legislature voting by means of the single transferable vote " ?

Rajkumari Amrit Kaur : Yes; but my point is this. May I, then know if the Secretary of State in answer to Miss Pickford's question was referring to reserved seats on a communal basis for the Provincial Council of Bengal. May I understand whether the communal question does not enter into the reserved seats for women in the Lower House ? Are they to be reserved on a non-communal basis ? I should like to be clear on this point. I want to know on what basis these seats are to be reserved.

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C363. *Dr. B. R. Ambedkar* : Let me follow this further, because, to my mind, there is a certain amount of confusion, and I should like to get it cleared up. First of all, do you object to indirect election as such ?

Rajkumari Amrit Kaur: Yes.

C364. *Dr. B. R. Ambedkar:* You do ?

Rajkumari Amrit Kaur : Yes.

C365. *Dr. B. R. Ambedkar :* That is one objection ?

Rajkumari Amrit Kaur : Yes.

C366. *Dr. B. R. Ambedkar:* You do not want the women representatives who are to represent women in the Federal Lower House to be elected by indirect election from the Provincial Legislative Council ?

Rajkumari Amrit Kaur: Most definitely not.

C367. *Dr. B. R. Ambedkar :* You want some sort of a direct constituency provided ?

Rajkumari Amrit Kaur: As we are against reserved seats, if they are reserved for us on a communal basis, of course, really this question as far as we are concerned does not arise, but we would, of course, want women to enter.

C368. *Dr. B. R. Ambedkar:* Let me put a question first to clear the ground. Do you want any seats to be reserved for women at all in the Lower House ?

Rajkumari Amrit Kaur: I have said that we would recommend for the time being until such time as adult suffrage is obtained through our organisations, the acceptance of reservation, provided it were definitely laid down that the women's seats would be on a non-communal basis, and through the means of joint electorates. That is the only condition on which we would accept it.

C369. *Dr. B. R. Ambedkar:* I quite follow two things. You want for the time being a certain number of seats reserved for women ?

Rajkumari Amrit Kaur: We have always been opposed to reservation.

C370. *Dr. B. R. Ambedkar:* The second thing I have understood from you — correct me if I am wrong — is that you do not want that provision for the representation of women in the Federal Lower House by any system of indirect election. That is the second point you have made ?

Rajkumari Amrit Kaur : Yes.

C371. *Dr. B. R. Ambedkar:* What I want to ask you is that..... ?

Rajkumari Amrit Kaur : You say we want reservation, I have hold you we have always been opposed to reservation.

C372. *Dr. B. R. Ambedkar:* You do not want any reservation at all ' ?

Rajkumari Amrit Kaur : We have always said that we do not want reservation, but, as I say, if reservations are to be forced down on us as so many things have been forced down on us against our wishes, then the only conditions on which we would recommend the acceptance of

reservation to our organisations would be definitely that they would be through a system of joint electorates and direct election, and if the seats were on a purely noncommunal basis, that is to say, that we have the right to put on woman of our choice.

C373. *Dr. B. R. Ambedkar* : If the matter were left to your choice, you would not want any earmarking of seats for women as such in the Federal Lower House ?

Rajkumari Amrit Kaur : Certainly not.

C374. *Dr. B. R. Ambedkar*: If it is to be, then you would want it on a system of joint electorate and direct election ?

Rajkumari Amrit Kaur : Yes ; direct election and a non-communal basis.

C375. *Dr. B. R. Ambedkar*: Let me take the non-communal basis. Do you want this constituency for direct election to consist only of women in that particular constituency ?

Rajkumari Amrit Kaur : No ; we want men and women.

C376. *Dr. B. R. Ambedkar*: You want this constituency to be a sort of composite constituency, in which the voters will be both men and women ?

Rajkumari Amrit Kaur : Yes.

C377. *Dr. B. R. Ambedkar*: With this restriction that the candidate to be ultimately elected from that constituency would be a woman ?

Rajkumari Amrit Kaur : Yes ; that is to say, if a woman was to be elected to a reserved seat, it would naturally follow that it must be a woman.

C378. *Dr. B. R. Ambedkar* : How would you provide these direct constituencies for the Legislative Assembly ?

Rajkumari Amrit Kaur : As I say we have not got any constructive proposals on this because we have throughout been opposed to reservation. We would leave that to the discretion of the Committee, but if reservations were given to us, on the terms and the only terms on which we would accept it, we would leave it to the discretion of the Committee to form such constituencies as would be the most representative.

C379. *Dr. B. R. Ambedkar* : I thought you said in answer to a question that you objected to this indirect system of election provided in the White Paper for the representation of women in the Lower House of the Federal Legislature, because, in a certain sense, it would be, what shall I say, communally-minded ?

Rajkumari Amrit Kaur : Yes.

C380. *Dr. B. R. Ambedkar*: That the representatives in the various Provincial Councils would act. in a communal manner in the exercise of

their votes, and that is the ground of your objection ?

Rajkumari Amrit Kaur: I have already answered this question, have I not?

C381. *Dr. B. R. Ambedkar:* Yes; I want to put one more question. Further, I see, and I want to get this matter clear, that you object to the indirect election that is proposed in the White Paper because you think that the representatives of the different communities in the Provincial Legislature will be communally-minded, and, therefore, communal considerations will be imported in that election ?

Rajkumari Amrit Kaur : May I give you the answer again? We object to indirect election first of all, because naturally we want direct election.

C382. *Dr. B. R. Ambedkar :* Yes. I follow that.

Rajkumari Amrit Kaur : That is the first objection. The second objection is that when this indirect election for us is proposed through the Provincial Councils, these Provincial Councils which are going to be on communal lines will naturally bring that communal question again to the women that they elect.

Dr. B. R. Ambedkar: That is true, but I want to put a further question. I quite understand your objection that to have different representatives of the different communities in the Provincial Legislative Council would import a material consideration in the election of women.

C383. *Mr. M. R. Jayakar:* That is only one of your objections to the indirect election, but I understand another objection is also on the ground that it is indirect?

Rajkumari Amrit Kaur: I have said so more than once.

C384. *Dr. B. R. Ambedkar:* The question is this. Take, for instance, your direct constituency, any constituency that you may like to take, for instance the City of Bombay. You will have in that constituency, which you would desire to be specially designed for the election of a woman representative in the Lower House, electorates of both men and women drawn from different communities ?

Rajkumari Amrit Kaur : Yes.

C385. *Dr. B. R. Ambedkar :* Do you mean to suggest that those voters who would take part in the election of a woman representative would be less communally-minded than the representatives of those larger communities in the Provincial Legislative Council who would be participating in the election of a woman candidate on the indirect basis ?

Rajkumari Amrit Kaur : Without doubt, because the communal question exists far more among the type which goes into the Legislature than it does among the masses of the people.

C386. *Dr. B. R. Ambedkar*: But I want to draw your attention to this fact, that these very electorates will be electing the men who will be the voters for the indirect election ?

Rajkumari Amrit Kaur : It may be so, but when it is a question of joint electorates and we are going to get the votes of joint electorates, the communal question will not exist there — it cannot exist — to the same extent that it does in a Provincial Council which has been elected by separate electorates and where the communal question is alive and must be very much alive.

C387. *Dr. B. R. Ambedkar* : Do you think that in the general electorate the men and women in India do not act in a communal manner ?

Rajkumari Amrit Kaur: Certainly not in the general mass.

C388. *Dr. B. R. Ambedkar* : Have you ever seen a poll going on ?

Rajkumari Amrit Kaur : Yes. We have had a very recent example in the case of one of the women members of our organisation who topped the poll in Bombay with the joint electorates, and practically no women at all but all men: the Depressed Classes and everyone voting and she topped the poll. That is in a municipal election. Then there was not only her but another lady, and we have had examples in elections in Universities in Patna where women have been elected by men, and no difficulty on the communal question has arisen.

C389. *Dr. B. R. Ambedkar*: When the point is whether a woman will be elected, no doubt the communal feeling will be less in a direct election than it will be in an indirect election ?

Rajkumari Amrit Kaur : Certainly. Whenever the indirect election is going to be by means of the Council, it is going to be permeated by communalism.

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C406. *Dr. B. R. Ambedkar*: In those Councils where they have actually been members I understand it has been by nomination ?

Rajkumari Amrit Kaur: Yes, there is no such thing as election.

C407. *Sir Hari Singh Gour*: To the Legislative Assembly they have never been nominated so far ?

Dr. B. R. Ambedkar : Never.

C408. *Dr. B. R. Ambedkar*: Is there a disqualification ?

Rajkumari Amrit Kaur : I think not.

Mrs. Hamid Ali: May I point out in connection with this that it is very lately that the Provinces have done away with the disqualification ?

Dr. B. R. Ambedkar: It has been done very, very recently; in some Provinces so recently that they have scarcely had time for another

election since the disqualification was done away with.

(11)

Mrs. P. K. Sen and Mrs. L. Mukerji

C588. *Dr. B. R. Ambedkar*: Is it to be inferred that these communal differences would very likely spread to the women if the women were to enter the professions ?

Mrs. L. Mukerji: I do not think so. I think that woman by nature is free from such communal feelings on account of her sex.

C589. *Dr. B. R. Ambedkar*: For instance, today the struggle or scramble for jobs and professional appointments is really confined to the men ?

Mrs. L. Mukerji: Yes.

C590. *Dr. B. R. Ambedkar*: Largely, because women in India are not earning members of the family ?

Mrs. L. Mukerji: I quite see your point.

C591. *Dr. B. R. Ambedkar*: Therefore, to take the case of education, if a large section of women along with men were entering that profession, and other professions as a result of education, or your own analysis, perhaps the thing would develop among women ?

Mrs. L. Mukerji: It is quite possible. I cannot answer that point until we see the result.

C592. *Dr. B. R. Ambedkar* : I appreciate that, but I just wanted to put the point to you ?

Mrs. L. Mukerji: I feel in a future time, when our women will be in a position to go into the professions, that the communal business might die out altogether. I anticipate that.

Dr. B. R. Ambedkar: I hope so.

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C610. *Dr. B. R. Ambedkar* : There is just one question I would like to ask you, Mrs. Sen. You have explained your views with regard to the representation of women in the Federal Lower House, and you have stated your objection to the provision made in the White Paper for indirect election ?

Mrs. P. K. Sen: Yes.

C611. *Dr. B. R. Ambedkar*: I do not find anywhere your views as to the provisions made for the representation of women in the Provincial Legislatures, except, of course, that you have expressed generally that you would not like any provision which savours of communalism ?

Mrs. P. K. Sen: Yes.

C612. *Dr. B. R. Ambedkar* : Have you anything to suggest on that ?

Mrs. P. K. Sen: I did not quite follow the question.

C613. *Dr. B. R. Ambedkar:* In the Provincial Legislatures several seats are provided which are to be filled by women ?

Mrs. P. K. Sen: Yes.

C614. *Dr. B. R. Ambedkar:* No detailed provisions are laid down in the White Paper as to how those seats are to be filled. It is Appendix III of the White Paper, on page 93, under " General ", Madras, out of 152, 6 women ; Mohammedan, 29, including one woman. This is all the provision that exists in the White Paper, so far ?

Mrs. P. K. Sen: We would like to do away with all these communities, if you would give us six seats in each of the Provinces. That would be much better, and we should be able to fill these seats with the best women available.

C615. *Dr. B. R. Ambedkar:* Have you any other method by which these six seats could be filled up ?

Mrs. P. K. Sen: Yes ; capital city, for the Federal Assembly. I have already answered that question. It would be the same for the Provincial Assembly also. The capital city would be the constituent area; it would be a small electorate. It would not mean so much expense, and women from all over the Provinces would be able to stand for the seats.

C616. *Dr. B. R. Ambedkar:* You would have one capital city to return six women in Madras ?

Mrs. P. K. Sen: No. They would have their separate constituencies for different principalities of the Province.

C617. *Dr. B. R. Ambedkar :* The question I wanted to ask was how far you agree ? Would you be prepared, as a matter of concession to the communal sentiment of the various communities, that while making arrangements on the basis of a joint electorate for the return of such women in the Legislative Councils, to have a permission reserving a certain number of seats, for instance, for the Muslim women, keeping the total the same ?

Mrs. P. K. Sen: We are against communal reservation.

C618. *Dr. B. R. Ambedkar:* I can quite understand your objection to having a separate electorate of Hindu women to return five Hindu women and a separate electorate of Muslim women to return one Muslim woman. What I want to know is this : Whether you have also the same objection to a system in which both the Hindu women and the Muslim women would vote together in a common constituency — a joint constituency, with this reservation, that, at least, one seat would be reserved for a Muslim woman ?

Mrs. P. K. Sen: They would all vote for the Mohammedan lady.

C619. *Dr. B. R. Ambedkar:* I know that you would probably be so generous that you may give more. Would you be prepared to approve a reservation being made by law that just one should be reserved for a Muslim woman ?

Mrs. P. K. Sen: Yes; that is already there, and we have to accept that.

C620. *Dr. B. R. Ambedkar:* That may be on the basis of separate electorate, it is not stated how it would be. Therefore, I wanted to get your opinion on the matter. The detailed provisions as to how these six seats in Madras are to be filled are not found in the White Paper ?

Mrs. P. K. Sen: That should be a joint electorate of men and women.

C621. *Dr. B. R. Ambedkar:* I do not know. At least Mr. Butler might be able to enlighten us as to how these six seats are going to be filled ?

Mrs. L. Mukerji: We do not, if it can be avoided, want any communal distinction.

Dr. B. R. Ambedkar: I quite follow you. I am asking you whether you would be prepared to moderate your objection, to this extent, that you would have a joint electorate with one seat reserved, so as not to disturb the communal balance.

Mr. Butler: I think that Dr. Ambedkar will find this at " The precise electoral machinery to be employed in the constituencies for the special women's seats is still under consideration."

Dr. B. R. Ambedkar: Therefore, I was asking whether these seats would be filled by separate electorates of women in the general constituency; it is not made clear here. I do not know how it is done, because I find in the Table given on seats allocated under separate heads. Under " General ", six women's seats, under " Mohammedan ", one; that rather gives to the impression that you would have a separate electorate of Muslim women only, so that the result would be that 28 would be men, and one a woman.

I do not know ; I seek for information upon the point.

C622. *Chairman:* I think we had better use this afternoon in getting information out of the witnesses. Will you return to the point ?

Mrs. P. K. Sen: It would not be at least a separate women's electorate.

C623. *Dr. B. R. Ambedkar:* If left to you, you might give them all the six, or more than that ?

Mrs. P. K. Sen: Quite.

C624. *Dr. B. R. Ambedkar :* I mean, in view of the fear that there may be none ?

Mrs. P. K. Sen: Yes.

Discussion in Joint Committee on Poona Pact

Sir N. N. Sircar: May I make a short statement which probably will shorten matters ? I claim the right to put questions, if the Committee will allow it on the Communal decision, but, as a matter of fact, I do not intend to put in any questions relating to the dispute between the Hindus and Muslims, because that does not depend upon any facts that are going to be proved by any witnesses; but I do want to ask the witnesses to give Your Lordships the facts relating to the Poona Pact. There are two more observations I may be permitted to make as regards Sir Annepu Patro's statement as to its being mixed up, and so on, that the decision itself makes it quite clear that the result of one Province is not connected with the result in any other Province. The decision itself says that any change can be made in one Province as distinct from any other Province. As regards my friend, Mr. Zafrulla Khan's statement, I only venture to submit this: At the Round Table Conference we were trying to find out what was the greatest measure of agreement. It was open to us to say: Unless I get 100 per cent. seats for Hindus, I will not take any further part. It is no good taking up that attitude. I beg of the Committee to enter into the merits of the question.

Dr. B. R. Ambedkar : May I say just a word ? I am glad that this wrangle if I may use that expression, on this side is going to be confined only to the Poona Pact, and that Sir Nripendra Sircar does not propose to reopen the question of the distribution of seats between Hindus and Muslims but might I say that the sentiments expressed by Chaudhari Zafrulla Khan with regard to the attitude of the Muslims were exactly the sentiments that I have been expressing from the very beginning when I commenced to take part in the Round Table Conference, and that I, too, consented to join in the deliberations on the understanding that the Poona Pact was an accepted proposition. I do not object, of course, to Sir Nripendra Sircar putting the facts before the Committee, because I know I will also get an opportunity to rectify any errors; but so far as my own position is concerned, I do not think that it would be possible for me to take any further part in the Proceedings of the Committee, if, for instance, the whole question was reopened with regard to the representation of the Depressed Classes.

Sir N. N. Sircar: I beg Your Lordship's permission to hand in at this stage the following letter from myself to the Prime Minister and a cablegram from Sir Rabindranath Tagore, dated 27th July, 1933 :—

LETTER FROM SIR N. N. SIRCAR TO PRIME MINISTER St. James

Court, Buckingham Gate, London, S.W.I. 14th December, 1932 My Dear Prime Minister,

I am forwarding to you as requested, certain telegrams. The first telegram from 25 members of Bengal Legislative Council reads as follows:

" Representation from 25 members of Bengal Legislative Council. Poona Depressed Classes Pact made without consulting Bengal Hindus. No Depressed Classes problem in Bengal as elsewhere in India, as found on careful examination by Lothian Committee. Ambedkar and others had no direct knowledge of Bengal conditions, where, alleged Depressed Classes suffer no political disability. Poona Pact introduces revolutionary change, cutting at root of normal progress of Hindu society in Bengal. Earnestly urge necessity for modifying Poona Pact as affecting Bengal, as Lothian Committee Scheme meets Bengal situation fairly. Show this Premier:

"B. C. Chatterji, S. M. Bose, Maharaja Dinajpur. Maharaja Cosim-bazar, Rajabahadur Nashipur, Narendra Kumar Basu, Syamaprasad Mukerji, Rai Bahadur Kamini Kumar Das, Satyendra Kumar Das, Keshabchandra Banerji, Haridhan Dutt, Satischandra Mukerji, Saratchandra Mitra, Anandamohan Poddar, Satischandra, Roychowdhary, Hanumanprasad Poddar, Kishorimohan Chowdhari, Satyakinkar Sahana, Khetrामohan Roy, Debrai Mohashi, Santisekhareshwar Roy, Saratkumar Roy, P. Banerji, Surendranath Law, Saileswar Singh Roy."

2. I showed the above telegram to Dr. Ambedkar, who in his turn received telegram, copy of which reads as follows :

"Regarding Bengal. Hindu friends cable for revision of Poona Pact for Bengal. They defaulted twice, once before the Lothian Committee when they failed to give a list of Depressed Classes. Second when invited to Bombay September Conference nobody responded. Now they raise false cry, besides they are unjustifiably afraid of Namsudras appropriating all seats. Further Bengal Government depressed population figure is 103 lacs, *vide* Lothian Volume II, while we assumed for calculation of seats 75 lacs, *vide* Lothian, Poona Pact follows closely Lothian recommendations. Refer Mullick's note—Lothian Volume II. In Calcutta Thakkar found general

Hindu feeling in favour of Pact. Hence Pact approved by Cabinet can't be revised."

—*Birla and Thakkar* 3. I have received two further telegrams, viz :

" Birla's cable to Ambedkar. Birla not acquainted with conditions in Bengal and has absolutely no representative character there. Poona Pact

in allowing 30 seats to depressed classes in Bengal, number being equal to seats allowed to Madras cannot be justified. Question to depressed classes in Bengal is certainly not at all acute and is absolutely different from that in other Provinces. Premier's Award on this question is utmost that Bengal can accept."

" Satischandra Sen, Bijoykumar Basu, Satyendrachandra Ghosh Maulik, Amamath Dutt, Satyendrachandra Mitra, Satyacharan Mukherjee, Satyen-dranath Sen, Jagadiachandra Banerjee, Naba Kumar Singh Dudhuria, Bengal Non-Mahomedan Representatives present in Central Legislature."

—*Amamath Dutt* "Bengal, M.L.C.s who wired previously state Birla Thakkar cabled misrepresentations. Bengal Representatives not invited to Conference leading to Poona Pact. Its terms astonished Bengal. Not being agreed, according Premier's formula, settlement cannot bind Bengal. Lothian Committee made enquiries which castes are untouchable and unapproachable in Bengal. Provincial Franchise Committee consisting Hindu Mahommedans correctly answer. Report Volume 2, Mullick's Note not placed before Committee, but prepared secretly. Mullick's classification of Bengal depressed different from other Provinces covering Subarnobaniks Sahas Mahishyas admittedly outside depressed category. Also England— returned Indians, Brahmo Samaj people, even Baidyas, Kayasthas contrasted against Brahmanas. Bengal Public life free from caste consideration. High caste Hindus elected a Namsudra against Chatterjee 1923 at Madaripur. Deshbandhu disregarded orthodoxy marrying Brahmin's daughter, but his following included all high caste people. Distribution of Namasudras *vide* Calcutta Gazette fourteenth July ensures their securing 20 reserved seats. Non-Namasudras alarmed at prospect. Namasudras Rajbansis rigidly exclude other depressed castes from social communion, and have less right to represent them, than high caste people who have worked for generation for their uplift. Poona Pact introduces political division Hindu Bengal, where none hitherto existed. Show Premier."

— *Chatterjee and others*

4. I left India in August last, I have no personal knowledge relating to the Poona Pact.

5. In your " Communal decision " it was stated, " His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to revision of their decision and will not be prepared to give consideration to any representation aimed at securing modification of it which is not

supported by all the parties affected."

6. Under your decision, the Hindus (including all alleged depressed classes) have been given 80 seats whereas Mahomedans get 119 seats, i.e. 50 per cent. more than Hindus. The European interests get 25 seats, viz. 10 per cent. of the total seats, while they do not form any appreciable fraction of even one per cent. of the population. Factors of position, influence, education, etc., have apparently been considered, and legitimately considered in case of Europeans—but of heads has been considered between Hindus and Mahomedans. The latter claim to constitute 54 per cent. by inclusion of infants below 21 years, for if adults are counted, Mahomedans have no appreciable majority, if at all.

7. Even if Mahomedans form 54 per cent. of the population, their getting 50 per cent. more than Hindus is explained by the fact of carving out of the special seats, 51 in number in disproportionately large share from the Hindus.

8. The nature of the Special Seats, which include 25 for Europeans, 4 for Anglo-Indians, 8 for Labour, clearly does not lend itself to the suggestion that Hindus can make up their proper share in the total from these seats.

9. I fully realise that having regard to the wording of your decision, arguments, however forcible, cannot be listened to by you, but with the best of intentions the decision operates very unfairly on Hindus—and that is all the greater reason why Bengal Hindus other than the Depressed Classes object to the whittling down of what has been given to them by your decision. I may be permitted to add that if for the sake of argument it is assumed that one community has got nearly 50 per cent. more than its share it is idle to expect that it will give up its unjustified gain from any abstract considerations of justice.

10. The matter involved relates solely to a question of fact, viz., did the people now complaining agree to the modification of your decision? The laboured argument about agreement by alleged " defaults ", it is submitted, has no force. In any case, it remains to be determined whether there has been such default, from which it can be concluded that Bengal nondepressed classes have agreed to alter your Award.

II. It is submitted that the matter is too important to be dealt with on the footing, that the telegram of Birla and Thakkar represent facts correctly—facts which have been disputed. Nor does any agreement follow, even if these facts are taken to be substantially correct.

12. In the interest of the party aggrieved, an enquiry as to the fact of the non-depressed classes in Bengal being parties to, or being bound by the

Poona Pact, should be made—whether through the Government of India or Bengal, or any other responsible and neutral Agency, is a matter of detail. I am forwarding a copy of this letter to Dr. Ambedkar for information

As I have to leave England very soon, any acknowledgment of, or reply to this representation may be kindly directed to be forwarded to— Mr. Narendra Kumar Basu, M.L.C., Bar Association, High Court, Calcutta.

Yours truly, (Signed) N. N. SIRCAR,
Member, Indian Round Table Conference.

CABLEGRAM FROM SIR RABINDRANATH TAGORE

Dated 27th July, 1933 To Sir N. N. Sircar,

I remember to have sent a cable to the Prime Minister requesting him not to delay in accepting the proposal about Communal Award submitted to him by Mahatmaji. At that moment a situation had been created which was extremely painful not affording us the least time or peace of mind to enable us to think quietly about the possible consequents of the Poona Pact which had been effected before my arrival when Sapru and Jayakar had already left with the help of members among whom there was not a single responsible representative from Bengal. Upon the immediate settlement of this question Mahatmaji's life depended and the intolerable anxiety caused by such a crisis drove me precipitately to a commitment which I now realise as a wrong done against our country's permanent interest. Never having experience in political dealings while entertaining a great love for Mahatmaji and a complete faith in his wisdom in Indian politics I dared not wait for further consideration not heeding that justice had been sacrificed in case of Bengal. I have not the least doubt now that such an injustice will continue to cause mischief for all parties concerned keeping alive the spirit of communal conflict in our Province in an intense form making peaceful government perpetually difficult. —RABINDRANATH TAGORE

LETTER AND ENCLOSURES FROM DR. AMBEDKAR
TO THE PRIME MINISTER Imperial Hotel, Russell Square, London,
W.C.I. 5th January, 1933

My Dear Prime Minister,

Sir N. N. Sircar has been good enough to send me a copy of the letter, dated 19th December, 1932, which he addressed to you just before his departure for India, in which he has laid before you for your consideration certain telegrams received by him from the Caste Hindus of Bengal

protesting against the application of the terms of the Poona Settlement between the Caste Hindus and the Depressed Classes of Bengal on the ground that the Bengal Caste Hindus were not represented at the Settlement.

I had also received telegrams on behalf of the other side. Of these I had shown to Sir N. N. Sircar one which had come from Messrs. Thakkar and Birla, who had acted on behalf of Mr. Gandhi in the course of the negotiations that resulted in the Poona Settlement and the text of which has been quoted by him in his letter. I did not, however, like to trouble you with them, firstly because His Majesty's Government, having accepted the Poona Settlement, the matter, in my opinion, was closed, and secondly because I was assured by Sir N. N. Sircar that he would do nothing more than forward the telegrams received by him for your information. But as Sir N. N. Sircar has not contented merely with forwarding the telegrams, but has urged that " the laboured argument about agreement by alleged default " used by Messrs. Thakkar and Birla in their telegram has no force and has ended with a plea " that any enquiry as to the fact of the nondepressed classes in Bengal being parties to, or being bound by the Poona Pact should be made.... ..through the Government of India, Bengal or any other responsible and neutral agency," I feel called upon to place my views on the question raised by him.

My first submission is that assuming that the Bengal Hindus were not represented at the Poona Settlement it cannot for that reason alone make it inapplicable to Bengal. Paragraph 4 of the Communal Decision of His Majesty's Government under which they had provided for an agreement settlement to supersede the terms of their award did not, in my opinion, stipulate that in respect of an alternative scheme for the whole of British India—and the Poona Settlement, it must be remembered, was for the whole of British India—Caste and Depressed—province for province was a necessary condition for its acceptance. Indeed, I go further and say that such a stipulation is not postulated in the Communal Decision even for a settlement in respect of a single province. According to my reading of paragraph 4 all that is stipulated is that His Majesty's Government should be satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme. Taking my stand on this interpretation of paragraph 4, I venture to say that the absence of the representatives of Bengal Caste Hindus cannot derogate from the applicability of the Poona Settlement to Bengal. If the contrary interpretation were true it would then be open to the Depressed Classes of Punjab, U.P. and Bihar and Orissa to repudiate the Poona Settlement,

for they were not represented at all.

My second submission is that it is really not necessary to proceed on the assumption that the Bengal Caste Hindus were not represented as is alleged by the signatories to the telegram forwarded to you by Sir N. N. Sircar. I know for a fact they were represented and the statement of Messrs. Thakkar and Birla in their telegram that the Bengal Hindus did not respond to the invitation sent to them—a statement on the basis of which Sir N. N. Sircar has founded his plea for an enquiry is incorrect. What is more important to bear in mind is that these representatives of

Bengal were not merely present as silent spectators, they were active participants in the negotiations. I very well remember one of them came to me in Bombay accompanied by a Bengal Depressed Class youth of the Raja Party and had a private conference with me for nearly an hour and a half in the course of which he urged me to come to terms with the Caste Hindus on the basis of joint electorates. It is, therefore, quite untrue to say that the Bengal Caste Hindus were not represented, and the inaccuracy in the statement of Messrs. Thakkar and Birla must be attributed to the impossibility of keeping in touch with all the details of the negotiations which, having regard to the momentous character of issues involved, is quite excusable. I am sorry I am not in a position to give you the name of the Bengal Caste Hindu gentleman who had this conference with me. But I will let you have his name immediately after my return to India.

There is therefore no case for reopening the Poona Settlement on behalf of the Caste Hindus of Bengal. As for the Depressed Classes, their spokesman, Mr. M. B. Mullick, has cabled to me that they accept the Poona Pact. His telegram and the telegram of Messrs. Thakkar and Birla are enclosed herewith in original for your information. I am leaving for India next week. Any further communication which you may wish to have with me in connection with this matter may be sent to my address in Bombay, which I give below for ready reference.

Yours truly, (Signed) B. R. AMBEDKAR.

Address:

Damodar Hall, Parel, Bombay-12 (India).

COPY OF TELEGRAM DATED 1ST DECEMBER, 1932 1774. Delhi.
118.29.2020.

DLT Doctor Ambedkar, India Office, London. Regarding Bengal Hindu friends cable for revision, Poona Pact for Bengal they defaulted twice one before Lothian Committee when they failed to give list of Depressed Castes second when invited to Bombay September Conference nobody responded now they raise false cry besides they are unjustifiably afraid of

Namsudras appropriating all seats further Bengal Government depressed population figure is 103 lacs *vide* Lothian volume two page 263 while we assumed for calculation of seats 75 lacs *vide* Lothian Poona Pact follows closely Lothian recommendations refer Mullick's note Lothian volume two page 251 in Calcutta Thakkar found general Hindu feeling in favour of Pact hence Pact approved by Cabinet can't be revised.

—BIRLA AND THAKKAR

COPY OF TELEGRAM DATED 26TH DECEMBER, 1932 WLT
Ambedkar, Indian Conference, London.

Bengal Depressed Classes accept Poona Settlement so do Hindus Council Hindus representation *malafide* perverse.—MULLICK.

(13)

Dr. B. S. Moonje, Mr. B. C. Chatterjee, Mr. J. Bannerjee, Mr. G. A. Gavai, Rai Saheb Meherchand Khanna, Mr. R. M. Deshmukh, Mr. Bhai Parmanand and Pandit Nanak Chand, on behalf of the Hindu Mahasabha

8813. *Dr. B. R. Ambedkar* : I just want to ask one or two questions of Dr. Moonje, to start with. Dr. Moonje, you have been asked certain questions by Sir Nripendra Sircar about the meeting that was called by Pandit Madan Mohan Malviya in Bombay to discuss what could be done with regard to the question that was raised by the fast of Mahatma Gandhi. I just want to ask you one or two questions in order to bring out the details. You were present at the first conference which took place in Bombay under the presidency of Pandit Malviya on 19th September 1932.

Dr. Moonje: Yes.

8814. *Dr. B. R. Ambedkar*: At that meeting, as you know, a small Sub-Committee was appointed ?

Dr. Moonje: Yes.

8815. *Dr. B. R. Ambedkar*: Consisting of the representatives of the Depressed Classes and of the caste-Hindus, including Mr. Jayakar, Sir Tej Bahadur Sapru and others ?

Dr. Moonje: Yes.

8816. *Dr. B. R. Ambedkar*: That Sub-Committee went over to Poona to discuss the question ?

Dr. Moonje: Yes.

8817. *Dr. B. R. Ambedkar*: Because they thought it would be very desirable to be near Mahatma Gandhi when the matter was being

discussed. The Poona Pact was arrived at Poona as a result of the deliberations of the Sub-Committee, in agreement with Mahatma Gandhi ?

Dr. Moonje: Yes.

8818. *Dr. B. R. Ambedkar:* Then the main Hindu Committee which had appointed this Sub-Committee met again in Bombay on the 25th September ?

Dr. Moonje: It may be. I was not present.

8819. *Dr. B. R. Ambedkar :* At that meeting the Pact was put to the vote and passed : is that not so ?

Dr. Moonje: I am glad that Dr. Ambedkar has given me an opportunity of explaining all the details.

8820. *Dr. B. R. Ambedkar :* Do you know that of your own knowledge ?

Dr. Moonje: I can give the details which I, personally, know.

8821. *Dr. B. R. Ambedkar:* I just want to ask this question : I want to know whether you are aware that the Sub-Committee, after having finished its work in Poona, came back to Bombay and reported what it had done to the main conference of the Hindus which had appointed the Subcommittee ?

Dr. Moonje: Yes; it must have done.

8822. *Dr. B. R. Ambedkar:* I will put the question to Mr. Gavai, who I think was there. Mr. Gavai, you took part in the negotiations which resulted in the Poona Pact ?

Mr. Gavai: Yes.

8823. *Dr. B. R. Ambedkar:* I am not putting it in an offensive manner, but you at that time belonged to what is called the Raja-Moonje Pact Party ?

Mr. Gavai: Yes.

8824. *Dr. B. R. Ambedkar :* You were present in Poona ?

Mr. Gavai: I was.

8825. *Dr. B. R. Ambedkar:* When the Pact was signed, the Subcommittee came back to Bombay and held a meeting under the presidency of Pandit Malviya and resolution was passed by the whole of that Committee, approving of the Poona Pact ?

Mr. Gavai: Yes.

Dr. Moonje: On these points that Dr. Ambedkar has asked me, may I not explain ?

Chairman: I think the Committee would prefer to hear the conclusion of Dr. Ambedkar's examination. We will hear your explanation afterwards, Dr. Moonje.

8826. *Dr. B. R. Ambedkar* : After the Sub-Committee was appointed and it went to Poona to discuss this matter with Mahatma Gandhi, there was a Session of the Hindu Mahasabha held at Delhi between 24th and 26th September, 1932? *Dr. Moonje*: Yes.

8827. *Dr. B. R. Ambedkar*: Under the presidency of Pandit Malviya ?

Dr. Moonje: No. Under the presidency of Mr. N. C. Kelkar.

8828. *Dr. B. R. Ambedkar*: Mr. Ramanand Chatterjee was present at the meeting in Delhi ?

Dr. Moonje: Yes.

8829. *Dr. B. R. Ambedkar* : Raja Narendranath was also present at this meeting of the Hindu Mahasabha in Delhi ?

Dr. Moonje: Yes.

8830. *Dr. B. R. Ambedkar* : Is it not a fact that this Pact was ratified by the Hindu Mahasabha at the Delhi Session ?

Dr. Moonje: Yes; there is no question about that.

8831. *Dr. B. R. Ambedkar*: Mr. Ramanand Chatterjee is the leading member of the caste-Hindus of Bengal ?

Dr. Moonje: Yes.

8832. *Dr. B. R. Ambedkar* : And also a very prominent member of the Hindu Mahasabha ?

Dr. Moonje: Yes.

Mr. J. Bannerjee : May I explain that he is not a caste-Hindu at all ; he is a non-caste-Hindu; he is a Brahmo.

8833. *Marquess of Zetland*: I saw there was a misprint in the evidence before; it is a very natural mistake. Sir Rabindranath Tagore was described as a " Brahmo " which is a very different thing from a caste-Hindu. In the evidence the word "Brahmo" became "Brahmin", which is one of the highest castes of Hindus there is. The same thing applies to Mr. Ramanand Chatterjee; he is a Brahmo, not a Brahmin. Is that not so ?

Mr. J. Bannerjee : Yes.

8834. *Mr. Zafrulla Khan*: We on this side, who really do not know the details of this wish to understand it. Is it Brahmin or non-Brahmin, a question of birth, a question who is born a Brahmin ? *Dr. Moonje* is a Brahmin by caste, although he might give us his convictions so far as caste is concerned ?

Mr. J. Bannerjee: If he adopts a different religion, he ceases to be a Hindu.

8835. *Mr. M. R. Jaykar* : May I ask a question on this point ? You do not mean to suggest that because a man is a Brahmo, he ceases to be Hindu ?

Mr. J. Bannerjee: He certainly ceases to be a Hindu by religion.: he is a non-Hindu. When he marries he has to describe himself as a non-Hindu.

8836. *Mr. M. R. Jaykar :* I am not speaking of the matter in connection with the law of marriage or anything of that kind, but do you say, as a Hindu, that if a Brahmin becomes a Brahmo in religion he ceases to be a Hindu or a Brahmin ?

Mr. J. Bannerjee: He ceases to be a Brahmin, certainly.

8837. *Dr. B. R. Ambedkar:* Dr. Moonje, apart from the question of whether Mr. Ramanand Chatterjee is a Brahmo or Hindu, he has been taking a very active part in the movement of the Hindu Mahasabha ?

Dr. Moonje: Yes.

8838. *Dr. B. R. Ambedkar:* He has been protagonist of the Hindu interest ?

Dr. Moonje: Yes.

8839. *Dr. B. R. Ambedkar:* Raja Narendranath comes from the Punjab ?

Dr. Moonje: Yes.

8840. *Dr. B. R. Ambedkar:* He is the President of the local Hindu Mahasabha ?

Dr. Moonje: He is President of the Hindu Mahasabha too. May I explain, my Lord Chairman ? 8841.

Chairman: If you please ?

Dr. Moonje: I was called to the meeting in Bombay by Pandit Malviya when the meeting took place and when the discussions were going on. I got up. Dr. Ambedkar will remember, and I said that when Mahatma Gandhi was not prepared even to grant reservation of seats to the Depressed Classes in joint electorates, it is not possible to any compromise on this question, in order that he may give up his fast. However, to our great relief, on the second day news came that Mahatma Gandhi was prepared to recognise the reservation of seats in joint electorates. I was greatly pleased. Then at a certain meeting, where the principle of the Poona Pact was being evolved. I distinctly told at that time Pandit Malviya that this principle of the Poona Pact which is being evolved is based upon separate electorates. I personally, and the Hindu Mahasabha as a body, have a fundamental objection to separate electorates, and I personally and the Hindu Mahasabha as a body will not accept this principle of the Poona Pact. Then of course I could not go to Poona, along with the other members, for carrying on the negotiations. Then, to my satisfaction, having come to know that Mahatma Gandhi was prepared to accept the reservation of seats, I said " The danger of Gandhi's life is over," and therefore I went to Delhi. In Delhi, when the

session of the Hindu Mahasabha was in progress, we received the wire that Gandhi had accepted the Poona Pact and, naturally, everybody was anxious to save the life of Gandhi; and we passed a resolution in the Hindu Mahasabha—

8842. *Dr. B. R. Ambedkar* : Accepting the Pact ?

Dr. Moonje: Yes, accepting the Pact. But it must be understood here that on the spot. Raja Narendranath on behalf of the Punjab protested and protested in vain, but of course the majority of the whole House was at that time in fear and dread—

8843. *Mr. Zafrulla Khan*: Under the shadow of the fast ?

Dr. Moonje: That if the Pact was not accepted, Mahatma Gandhi's life would not be saved, and therefore they accepted the Pact. Those are all the details. One particular point is this : in our negotiations with Dr. Ambedkar during the First and Second Round Table Conferences, Dr. Ambedkar has agreed, I made an agreement with the Hindu Mahasabha that he was fully satisfied if, under a system of joint electorates, reservation of seats on the population basis would be granted to him. On one occasion, during the Second R.T.C. when Dr. Ambedkar thought that there was some ambiguity in this point. I suggested to him that a joint letter should be sent to the Prime Minister, signed by himself and myself, saying that the difference between the Depressed Classes and the Hindus were settled by this arrangement; that is, reservation of seats on the population basis in joint electorates with the Hindus.

8844. *Dr. B. R. Ambedkar*: To which I did not agree ?

Dr. Moonje: To which, at that time. Dr. Ambedkar did not agree ; but at the First Round Table Conference, Dr. Ambedkar did agree and, by his consent, the fact was announced to the American newspapers.

Dr. B. R. Ambedkar: I do not accept that.

8845. *Mr. M. R. Jayakar*: May I ask a question. Dr. Moonje ? You were speaking about the Hindu Mahasabha accepting the Poona Pact at Delhi ?

Dr. Moonje: Yes.

8846. *Mr. M. R. Jayakar*: Do you mean to say that the Hindu Mahasabha accepted the Poona Pact, not on its merits, but because of the satisfaction that Mahatma Gandhi's life was saved ?

Dr. Moonje: I have already said that when the Pact was being evolved I distinctly said that the principle under which the Pact was being evolved could be acceptable to me personally or to the Hindu Mahasabha as a whole because it was based on separate electorates.

Mr. Bhai Parmanand: May I add one word ? The Punjab Hindus have a

similar feeling towards the Poona Pact as the Hindus of the Bengal. Raja Narendranath was opposed to it on the very day when the Hindu Mahasabha passed a resolution accepting it in a hurry. Within 48 hours of the acceptance of the Poona Pact at Bombay there was a Hindu protest in the open meeting. The Secretary of the Punjab Hindus also made a protest, and Dr. Gokalchand sent a Cablegram to the Premier here that the Punjab Hindus were opposed to it. The Hindu feeling is still opposed to it. There are articles in the newspapers, which I have not with me, that the Poona Pact has affected the Hindus of the Punjab very badly. Then one thing more, and that is that certain Scheduled Tribes of the Depressed Classes, who regard themselves recorded in the Census Report as Hindus, as Butwalas, Barawalas, Kabir-panthas and Domes have not been included among the Scheduled Tribes of the Depressed Classes. They are carrying on agitation on that behalf; the names of these Tribes are Butwalas, Barawalas, Kabirpanthas and Domes. They amount to about 50,000 population in the Punjab because they got themselves recorded in the Census Report as Oriyas. They are not mentioned in the Scheduled Tribes; and they are creating this agitation in order to be included among them. So that shows a sort of prejudice against those Tribes of the so-called Depressed Classes amongst all those who describe themselves as Hindus. Therefore, my request to the Joint Select Committee is to look into this matter, and at least give them a right in the new tribes.

8847. *Mr. Zafrulla Khan* : His last point is not clear. These particular tribes whom you have mentioned want to be scheduled ?

Mr. Bhai Parmanand: Yes.

8848. *Mr. Zafrulla Khan*: And they have not been scheduled ?

Mr. Bhai Parmanand: This is another aspect—

8849. *Mr. Zafrulla Khan*: I want to clear the point up. Not exactly depressed as those who have been put in scheduled ?

Mr. Bhai Parmanand: My point is this, that simply because they have described themselves as Hindus in Scheduled Caste, they have been excluded from this right which has been given to the other tribes.

8850. *Mr. Zafrulla Khan*: The right to be scheduled ?

Mr. Bhai Parmanand: Yes.

Dr. Moonje : May I explain this point ?

As regards the Punjab and as regards Bengal the objection of the Hindu Mahasabha is that after careful examination, both by the people and the Lothian Committee, it was found that the question of depressed classes does not exist in Punjab, and the question of depressed classes in Bengal

is not so insistent or is not so keen as to require any very great consideration.

It was this point which has been made a grievance, and my friend, Mr. Parmanand, says that these people are complaining that they are not included in the depressed classes because they have been made Arya Samajis. The point is that if the depressed class question in Punjab is to be created as a vested interest in separate electorates, then these depressed classes have a right to be included, which are now being scheduled as depressed classes. If that vested interest is not to be created then those people have no claim to be included in those depressed classes.

8851. *Dr. B. R. Ambedkar*: Might I ask one question : You object to the Poona Pact being applied to Punjab because, in your opinion, there are no depressed classes there ?

Mr. Bhai Parmanand: Not in the sense in which there are in most of other Provinces.

8852. *Dr. B. R. Ambedkar* : In some sense, are there or are there not ? Are there depressed classes in the Punjab or are there not ?

Mr. Bhai Parmanand: They are not Untouchables, they are not Unapproachables. No distinction is kept, and it is in the Report of the Simon Commission and the Government of India Report also that the distinction between caste-Hindus and the depressed classes does not exist in the Punjab.

8853. *Dr. B. R. Ambedkar*: Might I ask you this question? How do you reconcile yourself : Your first position is that there are no depressed classes and therefore, there is no provision for them, and your second complaint is that certain depressed classes are not included in the scheduled list?

Pundit Nanak Chand: I have dealt with this point, and I will give you an explanation. As far as unapproachability and untouchability is concerned, it does not exist, or if it exists, it is almost negligible; there is very little. This is admitted by the Government officials, by the Sikhs, by the Mahomedans and by the Hindus, but certain classes have been scheduled as depressed classes and certain others of equal status, whether economically backward or otherwise, deprived of certain rights, namely, of purchasing land, and so forth, want to be scheduled along with those others because they are on the same social status.

8854. *Dr. B. R. Ambedkar*: You are very anxious that they should be included ?

Pandit Nanak Chand: I am not anxious; they are anxious. I do not want

anybody to be called a Depressed Class.

8855. *Dr. B. R. Ambedkar*: I want to ask a few questions of Mr. Chatterjee of Bengal. I think your main complaint is that the Bengal Hindus were not represented when this Poona Pact was evolved — is that it ?

Mr. B. C. Chatterjee : That is one of the complaints. My main complaint is—

8856. *Dr. B. R. Ambedkar*: I will take this for the moment because I want to exhaust one at a time. I think it was admitted by your colleague that there were members of the Bengal caste-Hindus present both in Bombay and Poona ?

Mr. B. C. Chatterjee: Yes.

Mr. J. Bannerjee : At Poona one caste-Hindu was present : that is what I have said.

8857. *Dr. B. R. Ambedkar*: Were not there dozens from other Provinces ?

Mr. B. C. Chatterjee: That may be.

Marquess of Zetland: Dr. Ambedkar, could not we solve the whole of this problem if you told us the names of the Bengal caste-Hindus who were there?

8858. *Dr. B. R. Ambedkar*: I am giving the names. These names were given in the course of the discussion that took place in the Bengal Legislative Council on the 14th March 1933.

Mr. B. C. Chatterjee : Will you kindly give the names ?

8859. *Dr. B. R. Ambedkar*: There was no contradiction at all on that point?

Mr. B. C. Chatterjee : I was in England at the time.

8860. *Dr. B. R. Ambedkar*: I am quoting from speech of Mr. Mullick who represented the depressed classes in the Bengal Legislative Council. This is what he says ?

Mr. J. Bannerjee : He is a nominated member not an elected representative : I want to make that point clear.

8861. *Dr. B. R. Ambedkar*: He is a representative of the depressed classes ?

Mr. J. Bannerjee: And he has been defeated in a constituency before— twice before.

8862. *Dr. B. R. Ambedkar*: What difference does that make to the point I am dealing with ? I am on the point whether certain Bengal Hindus were present or not. This was a statement made in the proceedings of the Bengal Legislative Council in the course of a speech by a Bengal

Depressed Class Member who advocated the Poona Pact : " We know that they were men like Swami Satyananda of the Hindu Mission. Babu Haridas Mazumdar,

M.A., B.L. of the Amrita Samaj, Babu Pramathanath Banerjee, M.L.C., of Midnapore, Babu S. C. Das Gupta of the Khadi Pratisthan, besides men like Pandit Malaviya, Sir Tej Bahadur Sapru, Mr. M. R. Jayakar, Mr. Rajgopalachari? "

Mr. J. Bannerjee: Excepting one, none of them was present at Poona.

Dr. B. R. Ambedkar: That was a statement in the Council.

8863. *Mr. J. Bannerjee:* Will you permit me to go on?

Dr. B. R. Ambedkar: Please answer when I ask a question.

Mr. J. Bannerjee: It is an incorrect statement.

8864. *Dr. B. R. Ambedkar:* I say this statement has not been contradicted by anyone in the Bengal Legislative Council ?

Mr. J. Bannerjee: I was present on that day. No speech was delivered, but something was read from paper, and it is quite possible that people missed those bits. A paper was read indistinctly.

8865. *Mr. M. R. Jayakar:* The proceedings of your Council are published, are they not ?

Mr. J. Bannerjee: Yes.

8866. *Mr. M. R. Jayakar:* Since the publication of those proceedings has there been any contradiction ?

Mr. J. Bannerjee: Yes ; immediately after the debate was held, as soon as we heard that certain names were given out, a contradiction was made in the newspapers.

8867. *Dr. B. R. Ambedkar:* I put it to you that not only were these men present at Bombay ?

Mr. J. Bannerjee : I am speaking of Poona.

8868. *Dr. B. R. Ambedkar:* I am talking first of all about Bombay. Not only were these men present at Bombay when the sub-committee was appointed, but they had conversations with me individually in my office and urged me to come to a settlement. This is a fact which I disclosed in an interview which I gave to the Bombay Times and which is published on the 17th March, soon after your legislative proceedings were announced?

Mr. J. Bannerjee: The very next day I contradicted your statement and said that did not touch the point because three of those members had not, according to your own admission, gone to Poona, and were not present at the time of the Pact.

Mr. B. C. Chalterjee: I just want to say this, that it is nobody's case and I do not think it is Dr. Ambedkar's case—that these gentlemen were sent to

Bombay, or a solitary gentleman who was present at Poona was sent there by the Bengali Hindus or anybody of Bengali Hindus ; they may have been there accidentally or may have been there because they wanted to see the Mahatma who was ill. Some actually went there for the glory of carrying his dead body in a procession.

8869. *Dr. B. R. Ambedkar*: I will put it to you that if that is the case that it was well known that, these men had left Calcutta for the express purpose of attending the Malaviya Conference. That has been published in the " Liberty " ?

Mr. J. Bannerjee: They did not go there on authorisation by any public body in Bengal. They may have gone there on their own business or for some other reason. May I make an offer to Dr. Ambedkar; may I just say this ? We, in Bengal, feel it a great slur that there should be a suggestion that there are depressed classes in Bengal. The Bengali Hindus have been going on doing social work for over a century now in order to remove caste barriers and things like that. I ask Dr. Ambedkar to agree with this. The Lothian Committee very fairly formulated two characteristics, two criteria, for determining who are depressed classes, untouchability. unapproachability within a certain distance. I suggest that the Bengal Government should make an enquiry into who are untouchables and unapproachables, and if their number is ascertained we should be willing to give these people their proportion of representation on the Bengal Legislative Council on the basis of joint electorates.

8870. *Dr. B. R. Ambedkar* : I am not discussing joint electorates : I am discussing this important point of fact when it was well known that certain Bengal caste-Hindus were going to Bombay to attend Malaviya Conference. I am quoting to you from the " Liberty " of the 17th September, 1932; it is a paper which is published in Calcutta. I find in column 4 on page 5 of the " Liberty " of that date this report written in broad headlines : " Swami Satyananda and others leave for Bombay. Swami Satyananda, Sjs. Haridas Majumdar and Jaineshwar Mandal of the Amrita Samaj are leaving for Bombay tonight to attend the Malaviya Conference." They were not going on any of their private business ?

Mr. B. C. Chatterjee : As far as I am concerned I have never heard of the gentlemen: this is the first time I have heard of them: certainly they have been hiding their light under a bushel as far as Bengal is concerned, and these gentlemen must themselves have sent the report just to advertise that they were going.

8871. *Dr. B. R. Ambedkar* : My point is that the public of Bengal was

aware that certain members from the caste-Hindus were proceeding from Bengal to attend the Malaviya Conference, and if the public of Bengal thought that they were not representatives it was quite possible for them to send a message to Malaviya not to trust these people ?

Mr. B. C. Chatterjee: I submit it is most unfair to the public of Bengal to hold them to a paragraph that appeared casually in some column of the "Liberty"

8872. *Dr. B. R. Ambedkar:* I am only stating it as a fact that everybody in Bengal ought to know ?

Mr. B. C. Chatterjee: Nobody reads the paper thorough like that. Nobody searches out particular columns to find out things like that. It never came to our notice.

Dr. B. R. Ambedkar: I will not press you further on that.

8873. *Sir Austen Chamberlain:* Does Mr. Chatterjee mean he was unaware that such a meeting was being held in Bombay ?

Mr. B. C. Chatterjee: We were aware that a meeting was being held, but we were completely unaware that anybody was taking it upon himself to go from Bengal to that meeting.

8874. *Sir Austen Chamberlain:* If you had these strong feelings on the subject and you were, in your opinion, the most representative body who could speak on behalf of those who held your views, why did not you send representatives when you became aware of the meeting ?

Mr. B. C. Chatterjee: We did not know what was happening there. We in Calcutta, honestly did not know what was happening there excepting that we heard the news of Mr. Gandhi's going to fast.

Mr. J. Bannerjee: We did not attach any great importance to it. The Malaviya Conference was not to dispose of the fate of the caste-Hindus of Bengal: therefore, nobody went there in any capacity whatever. The Poona Meeting was really important.

8875. *Sir Austen Chamberlain:* You were aware of the meeting, but you did not think it worth attending. That is the position ?

Mr. J. Bannerjee: I am afraid you are confusing the two meetings at Bombay and Poona. The Pact was signed at Poona and that was the important meeting to which the caste-Hindus were not invited. The meeting at Bombay was a sort of preliminary canter. We were justified in not attaching much importance to it.

8876. *Mr. Zafrulla Khan:* May I put this to you : I do not want to offend you in any way, Mr. Chatterjee, but it appears that, perhaps, the attitude of Bengal caste-Hindus was : "We are not concerned with this : perhaps it will come to nothing ' , if it helps to save the Mahatma's life well and good;

if it affects us in any way we can repudiate it afterwards " ?

Mr. B. C. Chatterjee: With great respect that was not so. I had the honour to be on the Provincial Franchise Committee and had the honour to co-operate with the Lothian Committee. We went into careful investigation as to who were the Untouchables. That is the whole point for investigation.

8877. *Dr. B. R. Ambedkar:* You are going away from my point. The reports of what was happening in Bombay and Poona were published regularly fully in the " Liberty " every day. Are you prepared to contradict that ?

Mr. B. C. Chatterjee : I am sorry to say I never read the " Liberty ".

8878. *Dr. B. R. Ambedkar :* I brought the " Liberty ". I purposely did not bring the " Statesman " because you would say it is an Anglo-indian paper ?

Mr. B. C. Chatterjee: Why should I ? I cannot imagine myself saying that.

8879. *Dr. B. R. Ambedkar:* I brought it deliberately because I know it is a Hindu paper ?

Mr. B. C. Chatterjee : It is. It comes to my house. I read it occasionally.

8880. *Dr. B. R. Ambedkar :* I put it to you that the proceedings of the Malaviya Conference held on the 20th are given on full front page in " Liberty " ?

Mr. B. C. Chatterjee : I hear that from you.

8881. *Dr. B. R. Ambedkar:* You can see it for yourself. I will pass it to you ?

Mr. B. C. Chatterjee: I accept your word for it.

8882. *Dr. B. R. Ambedkar:* Similarly, what happened on the 21st is published on the front page fully in the issue of the 22nd ?

Mr. B. C. Chatterjee: I dare say.

8883. *Dr. B. R. Ambedkar:* So that anybody in Bengal would really know what was happening in Bombay and Poona. I will put to you one more point ?

Mr. B. C. Chatterjee: We thought before any decision of this weighty character could ever become applicable to public bodies in Bengal they would be invited to send their representatives to take part in the deliberations.

8884. *Dr. B. R. Ambedkar:* When the Sub-Committee was propounded there was no protest made against its composition ?

Mr. B. C. Chatterjee: They would have no right to.

8885. *Dr. B. R. Ambedkar :* If you refer to the " Liberty " of the 22nd

September 1932, it contains the Report of the proposals I made to this Sub-Committee on the basis of which I was prepared to negotiate. Mr. Jayakar will corroborate me that I did propose certain things on the basis of which I was prepared to negotiate. In my proposals I had demanded 50 seats for the Bengal.

Mr. J. Bannerjee: Depressed Classes you mean ?

8886. *Dr. B. R. Ambedkar:* I mean Depressed Classes, and yet there was not a single statement of protest from the Bengal caste-Hindus either to Pandit Malaviya, who was supposed to negotiate the Pact on this basis, nor did you send anybody to Poona although you know I had made this demand which was published, as I say, in a most prominent place in the issue of the 22nd September ?

Mr. J. Bannerjee : I am sorry, but I am afraid we did not attach as much importance to Dr. Ambedkar's proposals as we ought to have done.

8887. *Dr. B. R. Ambedkar:* I am sorry, you are to suffer for it. I just want to ask you one or two questions about this. The announcement of His Majesty accepting the Poona Pact was made on the 26th September, 1932, in the Central Legislature in both Houses. That announcement by His Majesty's Government was acclaimed by everybody in the Central Legislature; there was no protest made then by any member either in the Council of State or in the Legislature against the acceptance of this Pact. Is not that so?

Mr. J. Bannerjee : That may be so.

Mr. M. R. Juyakar: Bengal is represented in the Central Legislature.

Sir Hari Singh Gour: With reference to an imputation made by Dr. Ambedkar, that when Sir Harry Haig, the Home Member, made an announcement to the Legislative Assembly there was no protest from any member, I wish to draw the attention of the Joint Committee to the fact that it is not in accordance with the practice of the Legislative Assembly when an announcement of a decision by His Majesty's Government is made for any reference on any protest to be addressed by any member of the House.

8888. *Lieut. Colonel Sir H. Gidney:* I was in the House when the statement was made by Sir Harry Haig, and it was met by universal acclamation ?

Mr. Bhai Parmanand: I was also there, but there was no acclamation about it.

Dr. B. R. Ambedkar: There was applause, if you will take a word as it was given.

8889. *Lieut. Colonel Sir H. Gidney:* I meant applause, yes ?

Mr. Bhai Parmanand: Some people might have done it.

Dr. B. R. Ambedkar: The whole statement is given in the Legislative Council proceedings for the 26th September 1932, Volume 5, No. 5, and the statement is concluded there is in brackets " applause ". The same statement was made in the Council of State. What I want to put is this, is it not a fact that the following gentlemen represented caste-Hindus in the Legislative Assembly ?—(Naming). Then in the Council of State there are the following :— (Naming them.)

Mr. B. C. Chatterjee: My answer is that they did not realise the repercussions of the Pact and they are now unanimous in condemning it.

Mr. Bhai Parmanand: May I explain this point ?

8890. *Dr. B. R. Ambedkar:* I do not know that there is any explanation needed. They are members of the Assembly and they did not protest. With regard to the protests in the Bengal Province itself after the Pact in September 1932, there was a session of the Bengal Legislative Council in November, 1932 ?

Mr. B. C. Chatterjee: Yes.

8891. *Dr. B. R. Ambedkar:* There was no formal resolution moved in the Council protesting against the application of the Poona Pact to Bengali ?

Mr. B. C. Chatterjee: No.

8892. *Dr. B. R. Ambedkar:* I am referring to the Report.

Mr. B. C. Chatterjee: I must reply to this question. The first thing we did was to get together all the influential Hindu members of the Council within a short time of the Council Meeting, and we decided that we should jointly.....

8893. *Dr. B. R. Ambedkar :* May I have an answer to my question, and then we can have an explanation. I want to know whether there was any formal resolution moved in the Bengal Legislative Council in November Session which met immediately after the acceptance of the Poona Pact protesting formally against this. That is what I want to know, was there a resolution ?

Mr. B. C. Chatterjee: Undoubtedly, I did put in a resolution protesting against the Poona Pact in the November Session, but I was induced to withdraw it by the joint representations of Mr. Rasik Biswas, a member of the Namsudras, an influential member, and Pandit Malaviya, but both of them assured me that they would get Dr. Ambedkar to hold another meeting and to revise the Poona Pact in view of the facts which are placed before them and they repeatedly requested me not to press it to a division in the Council without giving them this chance.

8894. *Dr. B. R. Ambedkar :* Was it moved ?

Mr. B. C. Chatterjee : They induced me to withdraw it and on the ground.

8895. *Dr. B. R. Ambedkar*: It was not moved?

Mr. B. C. Chatterjee : I withdrew it.

8896. *Dr. B. R. Ambedkar* : It was not moved ?

Mr. B. C. Chatterjee: I say I withdrew it.

8897. *Dr. B. R. Ambedkar*: You had given notice of it

Mr. B. C. Chatterjee: I gave notice of it, and, on the representation of Mr. Rasik Biswas and Pandit Malaviya, I withdrew it. I did not move it.

8898. *Dr. B. R. Ambedkar*: In the March Session of 1933, the motion that was discussed was a special motion. The ordinary motion which stood in the name of Mr. Shanti Shekhareswar Ray was not moved ?

Mr. J. Bannerjee: It could not be reached.

8899. *Dr. B. R. Ambedkar* : No priority was sought for it ?

Mr. J. Bannerjee: Priority was sought for it but priority could not be obtained. There was no time to reach it. Subsequently a special resolution was moved by me.

8900. *Dr. B. R. Ambedkar*: A month after that resolution was passed, in the March Session of 1933 in the Bengal Legislative Council, a public meeting was held in Calcutta in the Albert Hall, on the 21st April, 1933. It was presided over by one Mr. Samal, and that meeting passed a resolution condemning the attitude of the Bengal Legislative Council in protesting against the Poona Pact ?

Mr. J. Bannerjee : Very possibly.

8901. *Dr. B. R. Ambedkar*: The proceedings of that Committee are published in full in the " Liberty " of 22nd April, 1933. Is that a fact, or is not ?

Mr. B. C. Chatterjee: Very possibly. I do not know myself. I was in England.

8902. *Dr. B. R. Ambedkar* : You said that the Bengal Government at the time the Poona Pact was accepted was somewhere in Darjeeling, and that no Hindu was consulted. You said that in answer to Sir Nripendra Sircar?

Mr. B. C. Chatterjee: Yes.

8903. *Dr. B. R. Ambedkar*: Will you tell what was the composition of the Bengal Executive in September, 1932 ? Who were its members, and what was communal composition ?

Mr. J. Bannerjee: There were three Bengali Members—no, two Bengali Hindu Members in the Bengal Government.

8904. *Dr. B. R. Ambedkar*: Is it your suggestion that the Bengal

Government which had two Bengal caste-Hindu members on it did not approve of the Poona Pact ?

Mr. J. Bannerjee: I have nothing to suggest about the Government, but I am quite sure that both the Hindu members of the Government had disapproved of it, and had emphatically protested against it.

8905. *Dr. B. R. Ambedkar:* With respect to the Central Executive" you have said one Bengal Hindu was there. Sir B. L. Mitter. Is that so ?

Mr. J. Bannerjee: Yes; I cannot say anything about Sir B. L. Mitter, but I would ask you to refer to the present member of the Viceroy's Executive Council.

8906. *Dr. B. R. Ambedkar:* It has been suggested by Sir Nripendra Sircar in the course of his examination that the whole thing was accepted by His Majesty in a sort of emergency created by the fast of Mahatma Gandhi. What I want to put to you is this : Is it not a fact that the first letter written by Mahatma Gandhi to the Government was not dated the 18th August, but was dated the 11th March, 1932 (that letter is addressed to Sir Samuel Hoare); it is practically five months before the letter referred to by Sir Nripendra Sircar, and that is what he says. That is before the Communal Decision was given, that is my point. This is his statement: " Dear Sir Samuel, you will perhaps recollect that at the end of my speech at the Round Table Conference when the Minorities' claim was presented I had said that I should resist with my life the grant of separate electorates to the Depressed Classes. This was not said in the heat of the moment nor by way of any rhetoric. It was meant to be a serious statement ", and so on. Then he says " I have therefore respectfully to inform His Majesty's Government that in the event of their decision creating separate electorate for the Depressed Classes I must fast unto death." The threat to fast was not given in the letter of the 18th August, after the Communal Decision was given, but was given in the letter of the 11th March, 1932 ?

Mr. J. Bannerjee : Quite true.

— 8907. *Dr. B. R. Ambedkar:* And His Majesty's Government gave separate electorate to the Depressed Classes notwithstanding this threat in the letter of the 11th March ?

Mr. J. Bannerjee: Our complaint against the Pact is that it perpetuates every evil of separate electorates.

8908. *Dr. B. R. Ambedkar:* That is another matter. You had better say that to Mahatma Gandhi; I cannot discuss it ?

Mr. J. Bannerjee : The award of His Majesty's Government is much more acceptable to us than the Poona Pact.

8909. *Dr. B. R. Ambedkar:* I will ask you one or two questions about

that. Your complaint is that the Poona Pact gives a larger number of seats to the Depressed Classes than were given in His Majesty's Government's Award. I want to draw your attention to the letter of the Prime Minister to Mr. Gandhi dated 8th September, 1932, and this is what he said. "The number of territorial seats allotted to Muslims is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats and that in most Provinces they enjoy weightage in excess of their population ratio." I want to draw your special attention to this. " The number of special seats to be filled from special Depressed Class constituencies will be seen to be small and has been fixed, not to provide a quota numerically appropriate for the representation of the whole of the Depressed Class population, but solely to procure a minimum number of spokesmen for the Depressed Classes in the Legislature who are chosen exclusively by the Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes ?

Mr. J. Bannerjee : Quite so, because it is expected that many of the Depressed Classes, especially in Bengal, will come in through the general constituencies.

8910. *Dr. B. R. Ambedkar:* What I want to draw your attention to is this: In giving the Communal Award and apportioning seats to the Depressed Classes His Majesty's Government and the Prime Minister have definitely admitted that those seats are not in proportion to the population ratio and were much below ?

Mr. J. Bannerjee : Quite true but at the same time, the Prime Minister there distinctly makes it clear that the number allotted to the Depressed Classes is less than their numerical proportion, because he specifically mentions the case of Bengal, because in Bengal many of the Depressed Class members would be sure to come in through general constituencies.

8911. *Dr. B. R. Ambedkar:* He never mentioned anything about Bengal, I can assure you ?

Mr. J. Bannerjee: Most certainly he has done so; I have read the award carefully.

8912. *Dr. B. R. Ambedkar:* With regard to this, there was a session held — the seventh session of the Bengal Provincial Hindu Conference at Malda, somewhere between the 17th and 19th of September, 1932, under the presidency of Mr. Ramanand Chatterjee. Is that so ?

Mr. J. Bannerjee: Very possibly.

8913. *Dr. B. R. Ambedkar:* In the seventh session of the Bengal Provincial Hindu Conference at Malda ?

Mr. J. Bannerjee: Very possibly. I do not know; I have no personal knowledge.

8914. *Dr. B. R. Ambedkar :* I want to read to you a resolution that was passed at this Bengal Provincial Hindu Conference, published in " Liberty " of the 19th September, 1932 : " This Conference appeals to the so-called Depressed Classes not to demand representation on the basis of separate electorates in the coming Constitution, and affirms its adherence to the Raja Moonje Pact and its readiness to concede representation to the Depressed Classes according to their population strength through joint electorate even if it means surrender to them of the majority of seats allotted to the Hindus ?

Dr. Moonje: May I reply to that question ? The resolution was passed. We stick to it, and my friend Mr. Chatterjee had made a sporting offer to Dr. Ambedkar. Is he prepared to see what his number would be according to the population basis, the Depressed Classes being defined as untouchables and unapproachables ? We are prepared to make this sporting offer to Dr. Ambedkar, and let the whole question be decided in Bengal and the Punjab as to what is the number of the Depressed Classes according to the definition that the Depressed Classes member is one who is untouchable or unapproachable. We make the sporting offer.

Dr. B. R. Ambedkar: I do not want to make the fate of my people the sport of party politics and I am afraid I cannot accept that offer.

19269. *Dr. B. R. Ambedkar:* May I put a supplementary question ? Do I understand that you include the depressed classes also in your Hindu Mahasabha ? Do you claim to represent them ?

Dr. Moonje: My contention is that I represent also the depressed classes and my friend, Mr. Gavai, who is sitting by my side, is a representative of the Depressed Classes on the deputation of Hindu Mahasabha and it has never been proved whether I represent the majority or whether Mr. Gavai represents the majority among the Depressed Classes.

9270. *Dr. B. R. Ambedkar:* That is a different matter. I want to know, do you represent the depressed classes ?

Dr. Moonje: I represent the majority portion of the depressed classes also.

9271. *Dr. B. R. Ambedkar:* As far as I am concerned I absolutely disagree with that position. What does Mr. Gavai have to say ? I still repeat the fact that the Depressed Classes do not belong to the organisation that Dr. Moonje represents so far as his memorandum is

concerned. I know as a matter of fact that the Hindus of the Punjab have repudiated it ?

Dr. Moonje : What ?

Dr. B. R. Ambedkar: That part of your memorandum No. 57 has been repudiated by the depressed classes of the Punjab.

(14)

**Mr. M. K. Acharya, Mr. L. M. Deshpande, and Mr. J. L. Bannerjee,
on behalf of the All-India Varnashram Swarajya Sangha**

10,753. *Dr. B. R. Ambedkar:* Mr. Acharya, do I understand you correctly, when I say that what you want is that the Legislature should not have competence to pass laws affecting what you call the fundamentals of religion ?

Mr. M. K. Acharya: Yes.

10,754. *Dr. B. R. Ambedkar:* And that before any such law is introduced you want a sort of previous sanction obtained from heads of religious institutions ?

Mr. M. K. Acharya: Yes.

10,755. *Dr. B. R. Ambedkar:* And, thirdly, that after it is introduced it should not become law until it is passed by a two-thirds majority ?

Mr. M. K. Acharya: Yes.

10,756. *Dr. B. R. Ambedkar:* I want to ask you this : This two-thirds majority is to be two-thirds majority of the Hindu members of the Legislature or two-thirds majority of the total Legislature ?

Mr. M. K. Acharya: Of each community sought to be affected. If it is only the Hindu community it would be only the Hindu members. If it is the Muslim community there would be the Muslim members also.

10,757. *Dr. B. R. Ambedkar:* Are you able to tell us in a defined form what you regard to be the fundamentals of your religion so that it may be possible for this Committee to know to what extent the Legislature can interfere and to what extent it cannot ?

Mr. M. K. Acharya: I am willing to give a very humble lecture on the fundamentals of religion if the Committee will hear me for three hours.

10,758. *Sir Austen Chamberlain:* You could not give us a formula that we could get into a reasonable number of words for the section of the Act?

Mr. M. K. Acharya: That is what I said. Dr. Ambedkar is now trying to heckle me into some kind of answer in three words. I cannot.

10,759. *Dr. B. R. Ambedkar:* I am not trying to heckle you; I am trying to understand. For legislative purposes you must give the Committee some formula which could be put into the Act so that it would be possible, both

for the Speaker of the House or the Governor, or whoever may be the deciding authority and the Courts, to find out exactly whether a particular law passed by the Legislature is *ultra vires* of that Legislature?

Mr. M. K. Acharya: I have suggested, I thought, a formula which is very workable and which I have in fact taken from some—

10,760. *Dr. B. R. Ambedkar:* You merely said they are fundamentals. You leave the whole matter undecided. What are the fundamentals?

Mr. M. K. Acharya: The formula I suggested was this : Before a measure affecting religion is introduced the Governor or the Governor-General should refer it to the opinion of the recognised religious heads of organisations in that Province, and after getting their opinions, and probably after modifying them so as to bring it in accordance with their opinions, it might be introduced, and all that it is for the Governor or the Governor-General to decide.

10,761. *Dr. B. R. Ambedkar:* May I take from you that whether a certain piece of legislation affects the fundamentals of your religion or not is a matter which is to be decided by the heads of the religious institutions ?

Mr. M. K. Acharya: Certainly so. They are the competent judges to decide.

10,762. *Dr. B. R. Ambedkar:* Mr. Acharya, you are a Brahmin by caste ?

Mr. M. K. Acharya: Yes.

10,763. *Dr. B. R. Ambedkar:* Mr. Deshpande, you are a Brahmin by caste ?

Mr. Deshpande: Yes.

10,764. *Dr. B. R. Ambedkar:* Mr. Bannerjee, are you a Brahmin by caste ?

Mr. J. Bannerjee : Yes.

10,765. *Dr. B. R. Ambedkar :* Mr. Acharya, is not it a fact that in the Hindu religion nobody can be a priest unless he is a Brahmin by birth ?

Mr. M. K. Acharya: It is not a fact.

10,766. *Dr. B. R. Ambedkar:* You mean any Hindu in practice can officiate as a priest at any Hindu ceremony ?

Mr. M. K. Acharya: No, it does not mean that.

10,767. *Dr. B. R. Ambedkar:* That is my question ?

Mr. M. K. Acharya: Please put it properly.

10,768. *Dr. B. R. Ambedkar:* Whether anyone who is not a Brahmin can officiate and perform any religious ceremony ?

Mr. M. K. Acharya: A very simple question. Every community, subcommunity or class has got its priest from that community or subcommunity. A Brahmin will not go to certain communities.

10,769. *Dr. B. R. Ambedkar*: I am telling you most respectfully that that is not a correct statement ?

Mr. M. K. Acharya: That is the truth, as far as I know.

10,770. *Dr. B. R. Ambedkar*: Does Mr. Deshpande know ?

Mr. Deshpande : It is so now.

Mr. M. K. Acharya: A Brahmin will not officiate for certain things.

10,771. *Dr. B. R. Ambedkar*: The heads of all religious institutions are Brahmins, are they not ?

Mr. Deshpande: No. In Bombay Presidency there is a very huge Mutt which has property and all that is purely non-Brahmin.

10,772. *Dr. B. R. Ambedkar*: In the main ?

Mr. Deshpande : Some are Brahmins ; some are non-Brahmins.

10,773. *Dr. B. R. Ambedkar*: Is it not a fact in Bombay Presidency?

Mr. Deshpande: There are others also, Lingayats.

10,774. *Dr. B. R. Ambedkar*: I do not want to confuse the issue. My question is this : As distinct from the Lingayats, the Jains, or the Buddhists (I am talking purely of the Hindus) is it not a fact that all these institutions are controlled by Brahmins ?

Mr. Deshpande: There are some which are controlled by non-Brahmins even. in Bombay Presidency.

10,775. *Dr. B. R. Ambedkar* : There are very few ?

Mr. Deshpande : Yes, that would be accepted; but not that the whole of them belong to Brahmins.

10,776. *Dr. B. R. Ambedkar*: Now if your proposition was accepted, that the heads of these institutions should have the right to give previous sanction, it would simply mean that the whole of the destiny of the Hindu community would be in the hands of the Brahmins in charge of these institutions ?

Mr. M. K. Acharya : It will not mean that at all.

10,777. *Dr. B. R. Ambedkar* : Let me ask you a question or two about your representative character. Mr. Deshpande, in the Satara district there is a non-Brahmin party, is there not ?

Mr. Deshpande: Yes.

10,778. *Dr. B. R. Ambedkar*: The non-Brahmins of Satara district would cover almost 90 per cent. of the population ?

Mr. Deshpande: Yes.

10,779. *Dr. B. R. Ambedkar*: There is a very strong antagonism between the Brahmins and the non-Brahmins in the Satara district ?

Mr. Deshpande: On certain points ; not on all.

10,780. *Dr. B. R. Ambedkar*: But on points of politics and social reform ?

Mr. Deshpande: On points of politics.

10,781. *Dr. B. R. Ambedkar:* On point of social reform ?

Mr. Deshpande : Not so much.

10,782. *Dr. B. R. Ambedkar:* Is it not true that the Brahmins and non-Brahmins have been struggling as to the equality in temples, so far as officiating is concerned ?

Mr. Deshpande: In some districts they may have, but not in all.

10,783. *Dr. B. R. Ambedkar:* But is there not a strong cleavage between the two ?

Mr. Deshpande: Not so far as I know.

10,784. *Dr. B. R. Ambedkar:* But they are, anyhow, a separate entity, carrying on a separate political life ?

Mr. Deshpande : Yes, everybody has his own.

10,785. *Dr. B. R. Ambedkar:* And you still think a few Brahmins in the Satara district would represent the non-Brahmins ?

Mr. Deshpande: So far as I am concerned.

10,786. *Dr. B. R. Ambedkar:* Do you think that you and Mr. Jadhav, the leader of the non-Brahmins, would go together on most of these points in the Memorandum ?

Mr. Deshpande: I do not know about Mr. Jadhav; I know about mine.

10,787. *Dr. B. R. Ambedkar :* Do you dine together ?

Mr. Deshpande: Mr. Jadhav and myself, no.

10,788. *Dr. B. R. Ambedkar :* In the Madras Presidency there is a Justice party consisting of the non-Brahmins ?

Mr. M. K. Acharya: There was a party some years ago. I do not know if it is as active now.

10,789. *Dr. B. R. Ambedkar:* But it did exist for a year or two

Mr. M. K. Acharya: It existed for seven or eight years.

10,790. *Dr. B. R. Ambedkar:* There is again a very strong cleavage between the Brahmins and the non-Brahmins in the Madras Presidency ?

Mr. M. K. Acharya: Not a very strong cleavage upon what might be called religious questions at all.

10,791. *Dr. B. R. Ambedkar:* They have a separate organisation of their own ?

Mr. M. K. Acharya: I believe in the Justice party Brahmins are being admitted now.

10,792. *Dr. B. R. Ambedkar :* But hitherto they were not admitted ?

Mr. M. K. Acharya: They are admitting even Brahmins now and, therefore, they are changing.

10,793. *Dr. B. R. Ambedkar:* Would it be correct to say that you are only

representing the views of the Brahmins ?

Mr. M. K. Acharya: Quite incorrect.

10,794. *Dr. B. R. Ambedkar:* Now I want to ask you a question, Mr. Deshpande. In your Memorandum No. 64, I do not find any comment on the Poona Pact : Is that so ?

Mr. Deshpande: There is none.

10,795. *Dr. B. R. Ambedkar :* Is that true ?

Mr. Deshpande : It is true.

10,796. *Dr. B. R. Ambedkar:* Mr. Acharya, in your Memorandum No. 65, apart from this one line on page 3: "It is upon its merits we condemn the Poona Pact," there is no reference to it ?

Mr. M. K. Acharya: That was quite enough, I thought.

10,797. *Dr. B. R. Ambedkar:* This joint production of yours is the latest thought, is it not ?

Mr. M. K. Acharya: Yes, it has come later than the others.

10,798. *Dr. B. R. Ambedkar:* After the evidence of the Hindu Mahasabha was given ?

Mr. M. K. Acharya: No, much before that.

10,799. *Dr. B. R. Ambedkar:* Why did not Mr. Deshpande put it before in your Memorandum, if as it is stated here, you had a mandate from your clients to condemn it ?

Mr. Deshpande : I did not think that it was necessary.

10,800. *Dr. B. R. Ambedkar:* There is just one other question I want to ask. You ask in your joint production. No. 72, full Provincial autonomy and Central responsibility; I need not read that. Now, under paragraph 4. Franchise for Lower Chambers, you say : " The bulk of our countrymen are yet untrained in the habit of working representative institutions." The question that I want to ask you is this : For whose benefit do you ask for Provincial autonomy and Central responsibility, if you say your " countrymen are yet untrained in the habit of working representative institutions " '?

Mr. M. K. Acharya: I would ask the Honourable Gentleman to read the paragraph more carefully. The answer is there already.

10,801. *Dr. B. R. Ambedkar:* What is the answer?

Mr. M. K. Acharya: The answer is there, if you read it.

10,802. *Dr. B. R. Ambedkar :* What is the answer ?

Mr. M. K. Acharya: We say we are against the indiscriminate lowering of the franchise in the immediate future; the indiscriminate lowering we condemn ; but making the lowering more discriminate, we are taking the next step immediately to urge Provincial autonomy and Central

responsibility.

10,803. *Dr. B. R. Ambedkar*: But how can indiscriminate lowering of the franchise make your countrymen trained in the habit of working representative institutions ?

Mr. M. K. Acharya: That is what we say. Indiscriminate lowering will not train them.

10,804. *Dr. B. R. Ambedkar*: Therefore, raise it higher up?

Mr. M. K. Acharya: No, the opposite of indiscriminate lowering is discriminate lowering.

10,805. *Dr. B. R. Ambedkar*: Confining it only to the Brahmins and the higher classes ?

Mr. M. K. Acharya: Discriminate lowering does not mean that. The White Paper says 38,000,000, I would be content with 20,000,000 or 28,000,000. That is not for confining them to this class and that class.

10,806. *Dr. B. R. Ambedkar* : You know in Malabar, there is a community called the Naiyadis ?

Mr. M. K. Acharya: Yes.

10,807. *Dr. B. R. Ambedkar* : I understand that under the social customs prevailing there a Naiyadi cannot walk along the road ?

Mr. M. K. Acharya: He can walk along the public roads today.

10,808. *Dr. B. R. Ambedkar*: And if he wants to sell anything, or buy anything, he has to place his goods or articles that he wants to sell some 60 yards away from the street and call out from there ?

Mr. M. K. Acharya: That is not correct information, so far as I know.

10,809. *Dr. B. R. Ambedkar*: I give you that information ?

Mr. M. K. Acharya: That is not correct; I may deny it. I have been for many years in Malabar, and I know Malabar better than my honourable friend.

10,810. *Dr. B. R. Ambedkar*: The point I am going to ask you is something further. Assume my facts are correct ?

Mr. M. K. Acharya: When they are incorrect, how can I assume that ?

10,811. *Dr. B. R. Ambedkar*: The question is this : Supposing a law was passed making it a crime for any Hindu to prevent a Naiyadi from walking along the public street in Malabar, would you say that would affect the fundamentals of your religion ?

Mr. M. K. Acharya: As the honourable gentleman presumes on wrong facts, there is no such custom and there is no such law. If there were such a custom and if there were any need for such a law, then that law would not conflict with any fundamental of religion.

10,899. *Dr. B. R. Ambedkar*: I would like to clear up a matter. Mr.

Acharya, you stated that Pandit Malaviya has repudiated the implications of the Poona Pact. I want to ask you a question on that : Is not it a fact that Mr. Gandhi says that the Poona Pact, apart from settling the political problem, imposed a certain obligation on the Hindus to abolish untouchability and to open the doors of the Hindu temples to the untouchables ?

Mr. M. K. Acharya: That is what Mr. Gandhi says, I think.

10,900. *Dr. B. R. Ambedkar:* Pandit Malaviya says that is not the case : that the Poona Pact does not impose any obligation on the Hindus to do that and it is therefore that he says he does not agree with the implications of the Poona Pact. Is not that the case ?

Mr. M. K. Acharya: Yes. That is so.

10,901. *Dr. B. R. Ambedkar:* It does not touch the political side of the matter. Mr. Gandhi says the Poona Pact imposes an obligation on the Hindus to open the doors of the temples. Pandit Malaviya says there is no such implication at all?

Mr. M. K. Acharya: Yes.

Part II